IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1735 OF 2021

Pankaj Kumar Sinha ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Niranjan Mundargi i/b. Mr. Deepak L. Jaiswal for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATED: 28th SEPTEMBER, 2021.

P.C.:-

1. The Applicant is seeking anticipatory bail in connection with CR No.115 of 2021 dated 24/03/2021 registered at Kharghar police station, Navi Mumbai, for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant and Mr. Ajay Patil, APP for the Respondent-State.

3. The Applicant was already protected by a previous interim order. The FIR was lodged by Satish Misal. He has stated that he was

in need of house. He was working as a police constable at Traffic Department at Panvel. In 2016 he got acquainted with one Sachin Pawar. Sachin represented to him that he was in a position to get plot from CIDCO and for that purpose they needed at least 25 people to form a proposed society. Sachin represented to him that he was in a position to approach CIDCO for allotment of plots. He demanded some amount. The FIR goes on to mention that how the plot was allotted and how Sachin Pawar had asked everybody to make payment. There are allegations against Sachin Pawar that he used four cheques of the informant to transact in his bank account. There are also allegations that informant's phone number, which was linked to the account was changed and therefore the informant was not getting any messages from the Bank. There are vague allegations against the Applicant that the Applicant was a branch manager of Vijaya Bank, at that time (now Bank of Baroda). The allegations are that the Applicant was close friend of Sachin Pawar and he was also somehow connected with this transaction.

4. Mr. Mundargi, learned counsel for the Applicant submitted that it was not job of the Applicant to verify signatures on the cheque and it was impossible for him to process every application for change of telephone numbers, etc. He submitted that the allegations against the

Applicant are vague. He submitted that the Applicant is a Branch Manager and has taken an action against Sachin Pawar under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') and therefore it cannot be said that the Applicant was close friend of Sachin Pawar. There was no allegation of misappropriation against him in the FIR.

5. Mr. Ajay Patil, learned APP, on instructions makes a statement that investigating agency does not want to arrest the Applicant in connection with this offence.

6. Considering this statement, there is no impediment in granting anticipatory bail to the present Applicant. In any case role of the informant himself is a little strange. The FIR almost admits that some money was paid to Sachin Pawar for some illegal purpose. Considering all these aspects and particularly taking into account the fact that the investigating agency does not want the Applicant's custody, the application is allowed.

7. Hence, the following order:-

(i) In the event of arrest of the Applicant in connection with CR No.115 of 2021 registered at Kharghar police station, Navi Mumbai, the Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one or two sureties in the like amount

(ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.

(iii)Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)