IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2128 OF 2021

Mr. Neeraj Kumar …. Applicant
v/s.
The State of Maharashtra …. Respondent

Mr. Abhilash Panickar a/w. Mr. Jigar K. Agarwal i/b.
Entrust Legal Services LLP for the Applicant.
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 23rd SEPTEMBER, 2021.

P. C. :-

. The Applicant is seeking Anticipatory Bail in connection with C.R.No.75/2021 on 26/04/2021 registered with Wai Police Station, Satara for offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard Mr. Abhilash Panickar, learned counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The first information report (for short 'FIR') is lodged by Vasanti Dattatray Nimbalkar on 26/04/2021. She was the Branch Manager of

Bank of India, Wai Branch on that date. She has stated that the present Applicant was earlier working as a Branch Manager in the same branch. During this tenure, loan of Rs.5,50,000/- was sanctioned in favour of Abhinav Singh, proprietor of M/s. Poonam Sales and Rs.8,00,000/- for Smt. Premlata Devi residing at Flat No.706, Plot No.474755, Kukreja Plaza, Sector-11, CBD Belapur. According to the first informant, these loans were sanctioned fraudulently and unauthorizedly. It is alleged in the FIR that when the account was opened in the name of Abhinav Singh, wrong address was shown in the Aadhar Card. Copies of the Aadhar Card were manipulated. The loan was given for business purpose and the amount of the sanctioned loan in favour of the Abhinav Singh was deposited in the account of the supplier – Babu Naresh. It is alleged that the quotation given by the Babu Naresh was wrong. It is alleged that the amount which was sanctioned; was deposited in the account of Babu Naresh. Some of the amount that was deposited in the account of Babu Naresh was further transferred to a fake account opened by Abhinav Singh.

4. As far as the other loan transaction in favour of Premlata Devi is concerned, it is alleged that she has a joint account with one Suraj Zavre and while opening the account, Suraj Zavre's address was

manipulated in the documents tendered in that behalf. Premlata Devi was sanctioned loan of Rs.8,00,000/-. Supplier in that case was M/s. Poonam Sales. Further, the amount of sanctioned loan was deposited in the account of Abhinav Singh and hence, there was link between these two loan accounts. On this basis, the first information report was lodged.

5. Mr. Abhilash Panickar, learned counsel for the Applicant submitted that the allegations about the manipulation of copies of Aadhar Card are vague. In any case, verification of address was job of branch administration. The Applicant did not have exclusive or major role in sanctioning the loan. The credit verification was expected to be done by the Credit Manager. He submitted that there was not a single default in repayment of EMI. Loans sanctioned to Abhinav Singh was repaid in January, 2021 before the lodging of the FIR and the loan sanctioned to Premlata Devi was repaid in June, 2021 i.e., after lodging of the FIR. He submitted that, in this background, custodial interrogation of the Applicant is not necessary. His complicity is not clearly shown in the FIR.

6. Learned APP submits that there is a link between sanctioning of

loans to these two persons – Abhinav Singh and Premlata Devi. The allegations are that the loans sanctioned to Premlata Devi was deposited in the fake account of Abhinav Singh. He therefore submitted that the Applicant's custodial interrogation is needed.

7. I have considered these submissions. At this stage, the main aspect which I am considering is that there was no default in payment of EMI at any stage. The loans are fully repaid. There is a substance in the submissions of Mr. Panickar, learned counsel for the Applicant that the address verification and credit verification was the job of other officers. As a Branch Manager, he had no role to play in that regard. The allegations are vague as there is no evidence to that effect. In this view of the matter, there is a possibility that the Applicant may not be involved in the offence as alleged. Therefore, he can be protected by an order of Anticipatory Bail. The investigation can go on without his arrest. Hence, the following order :-

<u>O R D E R</u>

(a) In the event of the arrest of the Applicant in connection with C.R.No.75/2021 on 26/04/2021 registered with Wai Police Station, Satara he is directed to be released on bail on furnishing P. R. bonds in the sum of

Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

PREETI H JAYANI Digitally signed by PREETI H JAYANI Date: 2021.09.28 17:00:49 +0530

(SARANG V. KOTWAL, J.)