IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2289 OF 2021

Vishal Sudhir Gangurde ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Aniket U. Nikam, i/b Mr. Vivek N. Arote, for the Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent – State.

PSI – Ganesh Fartode, Panvel City Police Station, Navi Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th OCTOBER 2021

<u>P.C.</u> :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 511 of 2020 registered with the Panvel City Police Station, Navi Mumbai, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that although the applicant had taken a loan of Rs.24,00,000/- from Laxmi Vilas Bank, the applicant had on the very next day transferred Rs.23,00,000/- out of the said amount to Vinod Patil (accused No.1) and had retained only Rs.1,00,000/-. He submits that Vinod Patil had returned an amount of Rs.4,18,000/- out

of the said amount to the Bank.

4. Learned APP opposes the application. She submits that the applicant had availed the loan for business purpose, however, instead of using the loan for the said purpose, with an ulterior motive had transferred the same to one Vinod Patil. She further submits that the documents which were submitted in support of the loan i.e. Aadhar Card and Pan Card of Vinod Patil's father were forged and fabricated, to avail the said loan. She submits that the custody of the applicant is warranted to find out how many people were involved in the said fraud.

5. Perused the papers. The complainant is the Bank Manager of Laxmi Vilas Bank, Boisar Branch. The complainant has stated that the applicant had applied for loan and that he was granted loan of Rs.24,00,000/-, on the basis of the documents submitted by the applicant. The complainant has stated that initially co-accused - Vinod Patil had raised a loan from the complainant's bank, in order to settle his earlier loan and when refused, co-accused – Vinod Patil brought the applicant to him alongwith with a request to give the applicant a loan. Accordingly, the applicant submitted documents for availing the loan. For availing the loan, Vinod Patil's father's property was mortgaged. Accordingly, the bank

granted the loan application of the applicant and gave him a loan of Rs.24,00,000/-, out of which the applicant transferred an amount of Rs.23,00,000/- to Vinod Patil's account. It appears that initially some EMI was paid, however, subsequently, as EMI was not paid, an enquiry was conducted by the bank, with respect to the mortgaged property. In the enquiry, it was revealed that the mortgaged property stood in the name of Vinod Patil's father, however, Vinod Patil's father had never mortgaged his residential bungalow. It appears that the applicant alongwith co-accused - Vinod Patil (by replacing Vinod Patil's father's photo with the photograph of some other person) had submitted fabricated Aadhar and Pan Cards.

6. Considering the aforesaid, custodial interrogation of the applicant is necessary. Accordingly, the Application seeking pre-arrest bail stands rejected.

7. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid anticipatory bail application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.