

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1576 OF 2019

Mr. Atul Shitala Prasad Singh .. Applicant

v/s.

State of Maharashtra ..Respondent

Mr. Rajender Singh Saluja for the Applicant.

Mr. P.H.Gaikwad, APP for the Respondent.

PSI Umesh Shinde, Bhandup Police Station present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th AUGUST, 2021.

P.C.

1. This is an application under Section 438 of Cr. P.C. filed by the applicant seeking pre-arrest bail. The Applicant has been arrested in C.R.No. 184 of 2019 registered with Bhandup Police Station, Mumbai. For offences punishable under Section 420, 409, 465, 467, 471, 468 r/w. 120(B) and 34 of Indian Penal Code. The said crime was registered pursuant to the First Information Report lodged by one Ganesh Anand Welling, who was working as Officer with ICICI Bank Ltd., L.B.S. Road Bhandup Branch, Mumbai.

2. Heard Mr. Saluja, learned Counsel for the Applicant and the learned APP for the State.

3. It is the case of the prosecution that Vinod Mishra, DSA (Direct Selling Agent), proprietor of New Ganesh Motors, used to provide details of the persons who were in need of Vehicle Loan, to ICICI Bank. He was also required to produce valuation report of the vehicle and give the details of the previous owner, Registration Certificate, and on sanction of loan to get the vehicle transferred in the name of the new owner.

4. It is alleged that on the basis of the representation made by said Vinod Mishra, the bank had sanctioned loan to one Kiran Mehta and others. Subsequently, it was revealed that the information provided by the accused Vinod Mishra was false. It is also the case of the prosecution that on 29.4.2016, M/s. Balaji Motors had presented proposal on behalf of the Applicant for purchase of Old Volks Wagon Passiyat Car for Rs.12,00,000/-, and that the loan of Rs.12,00,000/- was sanctioned to the Applicant. The Applicant paid EMI from 1.10.16 to 1.9.2017 and subsequently stopped paying the EMIs. Upon verification, it was found that the information provided in B

Form as well as in the Insurance Cover Note was false.

5. It is the case of the prosecution that in the course of investigation, it was revealed that an amount of Rs.4,00,000/- was transferred from the Bank Account of the Original Accused Vinod Radheshyam Mishra to the account of the present Applicant. It is alleged that the Applicant, Vinod Mishra and others were involved in the criminal conspiracy of cheating the Bank.

6. It may be mentioned that in Order dated 24.07.2019 this Court (Coram : Revati Mohite Dere, J.) had observed that the custodial interrogatin of the Applicant was not warranted and hence granted interim bail to the Applicant with direction to report to the Investigating Officer as and when called. It is stated that the Applicant had reported to the Investigating Officer and had co-operated with the investigation. It is also stated that the investigation is completed and chargesheet has been filed against the co-accused Vinod Radheshyam Mishra, who has been released on regular bail. Learned APP states that chargesheet was not filed against the present Applicant in view of pendency of this application. He states that chargesheet will be filed against the Applicant within

two weeks.

7. Since the investigation is completed and presence of the Applicant is not required for custodial interrogation, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No. 184 of 2019 registered with Bhandup Police Station, Mumbai, the Applicant be released on furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The Applicant shall attend the trial Court on each and every date of hearing;
- (iii) The Applicant shall keep the trial Court informed of his current address, mobile/contact number and/or change of residence or mobile details, if any, from time to time.

8. Application is accordingly disposed of

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(ANUJA PRABHUDESSAI, J.)