BDP-SPS-TAC

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2582 OF 2021

RAVINDRA SUBBAYYA GAMBHIR ….Applicant.
V/s
THE STATE OF MAHARASHTRA …..Respondent

Mr. C.J. Joveson for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 27, 2021

P. C.:-

1] Applicant is seeking pre-arrest bail in Crime No.531 of 2020 registered with Oshiwara Police Station at Mumbai for the offence punishable under Sections 406, 465, 467, 468, 471, 420 of the Indian Penal Code.

2] Prosecution case is, the complainant, a childhood friend of the Applicant, a hotel businessman had hand-loan from the Applicant as against the deposit of title deeds which were misused by the Applicant by mortgaging the same to financial institution. It is claimed that not only complainant has lost the hotel premises in the loan transaction of which he is neither beneficiary nor other loans obtained in his name by the Applicant have gone to his coffers.

3] In the aforesaid backdrop, Counsel for the Applicant would urge that material on record depicts that it was the complainant who was beneficiary of the amount, as he has acknowledged to have received Rs 20 lakhs in 2010 for renovation of hotel. It is also claimed that the complainant himself has signed all the bank papers and identified by the bank officials. Bank officials after KYC verification have disbursed the loan and that being so, complainant having suffered loss in business has shifted blame on the applicant.

4] While countering the submissions, learned APP based on investigation carried till date has submitted that acquaintance of the applicant with bank officials and his experience in the business has prompted him to misuse identity, signature and title deeds of the complainant in obtaining illegal loan. It is claimed that custodial interrogation of the Applicant is necessary as there is one more similar antecedent against the Applicant.

5] Considered rival submissions.

6] Investigating Officer has collected certain documents from the custody of the Bank in relation to the loan obtained by the complainant.

7] At this stage, it is difficult to infer that amount of loan was used by the complainant. Rather, it appears that the Applicant is in custody of certain documents in relation to business of the complainant which he has produced on record during the course of arguments. The loan appears to have been disbursed at the behest of the Applicant that too without any authority of law.

8] Prima facie, there appears to be substance in the claim put-forth in the complaint which justifies claim of the prosecution for custodial interrogation of the Applicant.

9] In my opinion, no case for grant of bail is made out. Application fails and same stands rejected.

(NITIN W. SAMBRE, J.)