IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3007 OF 2021

Manish Father Vasudev Dantkale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Hrishikesh S. Shinde for the Applicant.
Ms. P.N. Dabholkar, APP for the Respondent -State.

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CORAM: V.G.BISHT, J.

DATE: 20TH DECEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 409, 420, 425 read with 34 of the Indian Penal Code (the IPC) registered vide Crime No. 606 of 2021 with Sadar Bazar Police Station, Solapur City.

2. Prosecution case in short is that, as the informant was in need of housing loan, he approached the office of Gruh Finance Limited and met accused Pravin Amanchee. The applicant, at the relevant time, was the Branch Manager. Accused Pravin Amanchee

and applicant demanded Rs. 1 lakh plus Rs. 40,000/- from informant and also informed him that the receipts of the said amounts will be given after home loan is sanctioned. Later on, when informant demanded receipts, accused Pravin Amanchee informed him that Rs. 1 lakh was taken as a commission and Rs. 40,000/- towards charges for clearing housing loan.

3. Prosecution further alleges that informant had paid Rs. 1 lakh towards installment of the loan but instead of depositing the said amount in the loan account, the applicant-accused siphoned off the said amount. Accordingly, informant lodged the First Information Report (FIR).

4. Mr. Shinde, learned Counsel for the applicant, submits that there is delay of two years in lodging the FIR. Moreover, the FIR does not pinpoint the specific role of applicant. There is no evidence on record to show whether the said amounts as claimed by informant were either given by way of a cheque or in cash. This being so, the applicant deserves to be protected, argued learned APP.

5. Ms.Dabholkar, learned APP, on the other hand, opposes submissions by contending that not only the applicant and other co-accused took Rs. 1,40,000/- from informant but even they did not deposit the installment amount of Rs. 1 lakh in the loan account of informant. Investigation is in progress. In such circumstances, application needs to be rejected.

6. Although, it is alleged in the FIR that informant had given Rs. 1,40,000/- to applicant and co-accused before the loan was sanctioned but then there is no documentary evidence to that effect. Even the informant claims that he had paid installment in the sum of Rs. 1 lakh towards loan amount but that amount also was not credited in the loan account and was misappropriated by applicant and other co-accused. Again, no documentary evidence is forthcoming to show that at any point of time the informant had deposited Rs. 1 lakh towards home loan amount. No receipt (s) of whatsoever nature is forthcoming and this fact is fairly conceded by learned APP.

7. Having regard to the material on record, I am of the view that the present application deserves to be allowed in the following terms :

ORDER

i) The application is allowed.

ii) In the event of arrest of the applicant in C.R.No. 606 of 2021 registered with Sadar Bazar Police Station, Solapur City for the offences punishable under Sections 409, 420, 425 read with 34 of the IPC, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two surety/sureties in like amount.

iii) The applicant shall attend the concerned police station on every Friday in between 11.00 am to 2.00 pm for a period of three months.

iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)