IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.755 OF 2017

M/s. Shriram City Union Finance Ltd. ...Applicant

Versus

The State of Maharashtra and Ors. ...Respondents

….

Mr. Mohan P. Rao for the Applicant.
Mr. P.H. Gaikwad, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2021.

P.C.:-

This is an application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of pre-arrest bail granted to Respondent Nos.2 to 4 vide order dated 08/08/2017 passed by the learned Additional Sessions Judge, Pune, in Bail Application No.2479 of 2017.

2. Heard learned counsel for the Applicant and learned APP for Respondent - State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. Pursuant to the FIR lodged by the Applicant crime was

registered against Respondent Nos.2 to 4 being C.R. No.202 of 2017 at Shivaji Nagar Police Station, Pune, for offences punishable under Sections 420, 465,467, 468 and 471 r/w. 34 of the IPC. The Applicant had alleged that the Respondent Nos.2, 3 and 4 on 10/10/2014 had availed loan to the tune of Rs.1,78,50,000/-. Case of the Applicant is that Respondents had subsequently on 14/12/2014 availed loan of Rs.38,50,000/-. The Applicant claims that the Respondents had submitted forged documents for the purpose of availing the loan. It was also alleged that the Respondents had failed to pay EMI to the Bank. The Applicant therefore claims that Respondents had cheated the Applicant's Bank. Apprehending their arrest in the said crime, the Respondents had sought pre-arrest bail.

4. Learned Judge while granting the pre-arrest bail has observed that the Respondents are engaged in business of furniture. They had availed loan for the business purpose in the year 2014. The Respondents had repaid the loan amount of more than Rs.50,00,000/-. Learned Judge observed that the Applicant had filed a complaint belatedly in the year 2017 only when Respondents had failed to pay the EMI to the Bank. Learned Judge has also observed that the records prima facie indicate that the Respondents had requested the Applicant to give them further time to repay the loan amount. Learned Judge

therefore observed that this fact prima facie indicates that the Respondents had no intention of cheating the Bank. The impugned order, in my considered view is not perverse. Moreover, it is on record that charge sheet has already been filed on 08/07/2019. It is not the case of the Applicant that the Respondent Nos.2 to 4 had misused the liberty.

5. Considering the above facts and circumstances, in my considered view no case is made out for cancellation of bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)