

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (ABA) 54/2021

Vinod s/o Damodhar Devghare V/s State of Maharashtra, through PSO, PS Kalamna, Nagpur.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr Amol Hunge, counsel h/f Mr. O.K. Masureke, counsel for the applicant
Mr N.R. Rode, Additional Public Prosecutor for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 05/02/2021.

Heard.

2] The applicant is apprehending arrest in Crime 0890/2020 registered with P.S. Kalamna, Police Station, Nagpur, for the offences punishable under Sections 419, 420, 465, 467, 468, 475 read with Section 34 of the Indian Penal Code.

3] The crime is registered on the basis of report lodged by Mr. Shriram Gopichand Kumbhare who is the owner of plot 52 situated at Mouza Pardi.

4] Mr. Shriram Gopichand Kumbhare, alleges that co-accused Madhukar impersonated as him and executed sale deed in favour of the applicant herein.

5] The learned counsel for the applicant would submit that he is the victim, if at all, of the fraud.

6] The submission that the applicant is the victim of the fraud is belied by the material in the case diary which is culled out in the order of rejection of pre-arrest protection.

7] The allegation is that the plot was sold on the basis of impersonation and forged documents and the consideration shown in the sale-deed was deposited in an account fraudulently upon in the name of Mr. Shriram Kumbhare, again on the basis of forged document.

8] The most incriminating material against the applicant is that he not only obtained the sale-deed, he mortgaged the same plot in favour of as many as five different banks to wit Axis bank, Central Urban Credit Co-operative Bank, Andhra Bank, Shriram City Union Bank. The applicant submitted the same document, offered the same plot as security to at least five different financial institutions. This in itself strongly indicates the complicity of the applicant in the fraud. The learned Sessions Judge notes in the order of rejection of pre-arrest protection that the learned counsel Mr. Masureke could not satisfy the Court as to how the applicant availed the loan from five different banks on the basis of the same property.

9] Custodial interrogation is absolutely necessary to unravel the various aspects of the crime.

10] Even otherwise, considering the nature of the crime, the *modus-operandi*, the impersonation and forgery and that five financial institutions are apparently cheated since loans are obtained by the applicant on the basis of same property, no discretion can be exercised.

11] The application is rejected. .

JUDGE