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

CRIMINAL APPLICATION (ABA) NO. 395/2021
Anil S/o Dnyandeo Thak Vs. State of Maharashtra

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri A. S. Band, Advocate for applicant.
Shri H. D. Dubey, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 27.08. 2021.

Heard.

2. The applicant is seeking pre-arrest protection in Crime No. 319/2016 registered with the Sadar Police Station, Nagpur for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code. By claiming innocence and false implication, the applicant prayed for bail. It is contended that the applicant was in financial need, hence he contacted with co-accused for assisting him to get the loan. According to the applicant, co-accused have obtained necessary documents from him to prepare loan proposal and by fraudulent means, got vehicle loan of Rs. 10,40,000/-. It is contended that the co-accused have only paid Rs.

3,00,000/- to the applicant which he repaid. It is his contention that he is also victim of the crime committed by co-accused. Moreover, it is submitted that the applicant had not received entire loan amount since it was directly disbursed in the account of co-accused namely Shahid Khan.

3. The State resisted bail by filing reply-affidavit. It is contended that on the basis of forged documents, applicant has obtained vehicle loan of Rs. 10,40,000/-, which he did not repay. The applicant has obtained loan for purchasing of vehicle. However, by misrepresenting Bank, the money was utilized for other purpose. According to the State, there is necessity for custodial interrogation, hence bail is prayed to be rejected.

4. At the instance of report lodged by the Bank Officer, crime was registered. It is the prosecution case that the applicant has obtained vehicle loan of Rs. 10,40,000/- on the basis of forged documents. The loan amount was disbursed by way of issuing demand draft in the fictitious name of vehicle dealer. On verification, informant came to know that

the applicant has misrepresented the Bank in obtaining vehicle loan which was used for other purpose.

5. Learned counsel for the applicant would submit that all the forged documents are prepared by co-accused who are history sheeter. According to the applicant, he is Central Government Employee and was in financial need. Co-accused under guise of assisting him in sanction of loan, has obtained documents and prepared a false loan proposal. So also, the loan amount was directly disbursed in the account of co-accused. However, the co-accused have paid only Rs. 3,00,000/- to the applicant for which he has already repaid substantial amount in his loan account.

6. It reveals that the crime was registered way-back in the year 2016. Perusal of case-diary reveals that co-accused Bhushan Charde was arrested from whom various documents and rubber stamps were seized. It is not in dispute that the loan was directly disbursed in the account of co-accused Shahid Khan. The investigation paper indicate that various

similar type of offences are registered against both the co-accused. There are no chances of abscondence since the applicant is employee of Central Railway. The purpose of investigation would be served, if the applicant is directed to join the process of investigation. Having regard to all these facts, following order:-

(I) Application stands allowed and disposed of.

(II) Ad-interim order dated 05.07.2021 is hereby made absolute on the same terms and conditions with direction to continue to attend concerned Police Station as directed earlier till filing of charge-sheet.

JUDGE

Gohane.