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

CRIMINAL APPLICATION (ABA) NO. 434/2021
(Dnyaneshwar Gunwantrao Paraskar 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 P. S. Patil, Advocate for applicant.
Shri M. J. Khan, APP for non-applicant/State.
Shri J. B. Gandhi, Advocate for assisting to prosecution.

CORAM : VINAY JOSHI, J.
DATE : 12.10. 2021.

Heard.

2. This is an application seeking pre-arrest bail in Crime No. 240/2021 registered with the Police Station, Ural, Taluka Balapur, District Akola for offence punishable under Sections 420, 468, 471 of the Indian Penal Code. The informant and the applicant are real brothers. It is informant's case that the applicant by opening fictitious bank account in the name of informant, has committed forgery for the purpose of cheating. It is the informant case that he is serving in Air Force and staying at Thane. The applicant by misusing his

documents, has opened a bank account in the name of informant at Vidarbha Kokan Gramin Bank. It is alleged that applicant has tendered forged documents for opening bank account. The informant would submit that neither he has applied for bank for opening account nor he has tendered documents to the Bank. It is argued that by way of opening fictitious bank account in the name of informant, the applicant did the transactions and also received government subsidy.

3. On the other hand, learned counsel for the applicant would submit that neither applicant has dishonestly induced informant nor misappropriated any amount. Precisely, it is his submission that no financial loss has been caused to the applicant and therefore, offence is not made out. On perusal of entire application, it reveals that the applicant has not specifically denied that he has opened bank account in the name of his brother. The endevour was to state the said

account is in operation from last ten years for which the applicant never objected. Moreover, it is contended that by opening said account, the applicant has not caused any financial loss to the informant.

4. During the course of investigation, the Police have collected copies of bank account opening form and identity proof. The specific allegation of opening account by creating forge documents has not been denied. The informant in his statement has specifically stated that when he linked his Adhar Card on the website, he came to know that said account has been opened in his name. Moreover, the applicant has linked his mobile number to said account opened in the name of informant. Though no financial loss has been caused to the informant, however it requires to be investigated as to for what purpose fraudulent account has been opened and whether government subsidy was misappropriated. Moreover, the applicant's handwriting and

specimen signature are necessary to verify forgery. It is a serious affair that some one opens account in the name of third party tendering forged and fabricated document. One cannot anticipate in which way it would cause loss to the person in whose name fictitious account has been opened.

5. I may reiterate that the applicant never stated in specific terms that he has not opened account. The investigation is needed on various angles to find out the purpose, modus and reason for opening fictitious bank account. Prima facie case is made out of creating false documents for the purpose of cheating against concerned bank also.

6. In view of above, applicant is not entitled for pre-arrest protection, hence application stands rejected and disposed of.

JUDGE

Gohane.