

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1431 OF 2022

Shivanand Sudarshan Ankam

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Vikram S. Undre, Advocate for the applicant
Mrs. P. V. Diggikar, APP for respondent - State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd NOVEMBER, 2022

ORDER :

1. The applicant apprehends arrest in connection with Crime No. 1 of 2021 registered with Wadwani Police Station, District – Beed, for the offence punishable under sections 420, 419, 409, 467, 468, 470, 471 read with 34 of the Indian Penal Code.
2. It is, in short, alleged in the FIR that nine accused persons conspired and have created forged documents and on that basis loan of Rs.10,00,000/- was obtained by accused No.1, by showing the informant as guarantor, to the said loan and by presenting his fabricated Adhar card. The applicant, at the relevant time, was the manager of the Lokmangal Multi State Co-Operative Bank, Solapur. He has given a letter to the Sub-

Registrar to register the mortgage deed of the lands of accused No.1 – borrower and the informant. The informant has also arrayed the Talathi, Circle Officer and the Sub Registrar as accused persons in the crime.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the investigation papers.

4. Vague and general allegations are leveled in the FIR to implicate the applicant. Perusal of the investigation papers reveals that there is hardly any material against the applicant, showing his involvement in the alleged offence. It appears that the applicant has forwarded letter during the course of discharge of his duty. Even if the allegations of the prosecution are taken as it is, at the most the applicant may be guilty of committing lapses in his duty, but that is not sufficient to attribute criminal intent to the applicant and to show his involvement in the alleged offence, at this stage.

5. The applicant has no criminal antecedents, he is in service of the bank. The applicant will not abscond if released on bail. So far five accused persons including the borrower are arrested. The Sub Registrar, Talathi and the Circle Officer are released on anticipatory bail by the Sessions Court. Investigation appears to

be almost complete. Custodial detention and / or interrogation of the applicant, at this stage, is not warranted in the facts of the present case. The application therefore, deserves to be allowed.

6. The application is allowed. In the event of arrest of the applicant in connection with Crime No. 1 of 2021 registered with Wadwani Police Station, District – Beed, for the offence punishable under sections 420, 419, 409, 467, 468, 470, 471 read with 34 of the Indian Penal Code, he be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police station everyday from 25th November to 1st December, 2022 between 10.00 a.m. and 12.00 noon and co-operate in the investigation. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

drp/aba1431-22