IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1499 OF 2021

PANDURANG PANDITRAO NAVAL
VERSUS
THE STATE OF MAHARASHTRA
…..
Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Mr. A. M. Phule
…..

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 12-01-2022.

ORDER :

1. Present applicant apprehending his arrest in connection with Crime No.473 of 2021, registered at Partur Police Station, District Jalna, for the offence punishable under Section 420, 506 of Indian penal Code and Section 65, 66, 66(D) of Information Technology Act.

2. Heard learned Advocate Mr. S. J. Salunke for applicant and learned APP Mr. A. M. Phule for respondent-Stte.

3. It has been vehemently submitted on behalf of the applicant that the applicant is 43 % disabled person and his disability certificate has been produced at Exhibit "D". He is into the readymade garment business and his Shop Act licence has been produced at Exhibit "C". He is also an agriculturist. FIR has been lodged by one Milind Pagar

serving as Manager with Maharashtra Gramin Bank stating that the present applicant has cheated the bank by withdrawing huge amount. The applicant is not concerned with the offence. Since 2010 the applicant is taking crop loan from the bank and has repaid all the amount as per its schedule. No complaint was filed in the past against him. In fact, the bank has lodged official application for doing online transactions to all the account holders, and therefore, all the actions of the account holders is monitored by the bank. The bank is monitoring, that means, without the permission of the bank, no one can link accounts with the application. In 2019 the bank had sanctioned loan of Rs.2 lakh to the applicant, therefore, after withdrawal of that amount, there was no scope of withdrawal of excess amount by the applicant. It is difficult to believe that the applicant could have withdrawn amount of Rs.30,85,897/- without the permission of the bank. The possibility of making the applicant as a scapegoat by the bank employees, cannot be ruled out. The custodial interrogation of the applicant is not required for the purpose of investigation. Applicant is ready to abide by the terms of the bail.

4. Per contra, the learned APP strongly opposed the application

by saying that all the allegations are against the applicant. He has withdrawn amount of Rs.30,85,897/- when in fact he was entitled to withdraw amount of Rs.1,80,000/- only. It is also stated that the present applicant's cash credit account has a withdrawal entry regarding Rs.15,69,300/- from MGB Mobile Banking App. Similarly his son Ashok Panditrao Naval has also withdrawn amount of Rs.15,16,597/- between 20-05-2021 to 19-10-2021. This cannot be done by anybody else as the Mobile Banking App has been installed on the mobile phones of the account holders only. It is a public money which has been withdrawn, and therefore, the bank has suffered. The applicant is not entitled to the exceptional powers from this Court.

5. Here, the applicant himself is admitting that he has loan account with the Maharashtra Gramin Bank. He has the facility of Kisan Credit Card. In the year 2018 loan of Rs.3 lakh was sanctioned to him, and accordingly, it was disbursed to his son Ashok Panditrao Naval and the present applicant is also similar account holder of the same scheme, and for his account, amount of Rs.1,85,000/- sanctioned as loan on 16-03-2018. The only one mobile number has been linked to the scheme in respect of both the

account holders, and as aforesaid, both of them have withdrawn more than Rs.15 lakh. It is stated that the mobile number is stated to be registered in the name of present applicant only. The investigation is still pending. The account extract have been produced which show the withdrawals. Even funds have been transferred from one account to another, and therefore, taking into consideration the fact that it is economic offence wherein this Court would be slow in granting exceptional relief under Section 438 of the Cr.P.C. In view of decision in *P. Chidambaram vs. Directorate of Enforcement, reported in (2019) 9 SCC 24*, this application cannot be considered for grant of anticipatory bail. Hence, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-