IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 2363 OF 2021

Abhinav Gulab Singh ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Saumitra Salunke a/w. Mr. P. R. Yadav, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.
DATE : 28 FEBRUARY 2022

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.75/2021 of Police Station Wai, District Satara, under Section 420, 465, 467, 468 and 409 r/w. 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Vasanti Dattatray Nimbalkar, who is a Branch Manager of Bank of India, Branch Wai. According to the informant, the previous Branch Manager i.e. co-accused Shri Niraj Kumar had sanctioned a loan of Rs.5,50,000/- to the Applicant and Rs.8 Lakhs

to Smt. Premlata Devi, who were residing outside the jurisdiction of said branch.

3. It was disclosed during the investigation that the Branch Manager Mr. Niraj Kumar managed to open a fake Savings Bank Account in the name of the Applicant on 24 September 2019 on the basis of a forged and fabricated Aadhar Card. It appears that the co-accused Niraj Kumar was transferred to Kolhapur Zonal Office and thereafter, has been placed under suspension and the inquiry has been initiated. There are other irregularities noticed about the production of forged and fabricated quotations from M/s. Babu Naresh.

4. On the basis of the said complaint, an offence is registered, which is under investigation.

5. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

6. It is submitted by the learned counsel for the Applicant that the Applicant has no role in the matter. It is submitted that the entire loan account has been liquidated and there is no outstanding. He submitted that looking to the nature of the allegations, the evidence is documentary in nature and Investigating Officer can

obtained the same without custody of the Applicant. It is also pointed out that co-accused Niraj Kumar who is Branch Manager has been granted pre-arrest bail by this Court by order dated 23 September 2021 in ABA No.2128/2021.

7. Learned APP has submitted that the Applicant is absconding. He is a resident of Uttar Pradesh and his residential address is not available. The interrogation of the Applicant is necessary on the point of the signatures and the Aadhar Card submitted at the time of the opening of the Savings Bank Account / Loan Account. The investigation is also necessary as to the disposal of the amount which is subject matter of the offence.

8. I have considered the circumstances and the submissions made.

9. A perusal of the order dated 23 September 2021 granting pre-arrest bail to co-accused Niraj Kumar shows that this Court found that the credit verification was expected to be done by Credit Manager and not by the Branch Manager Mr. Niraj Kumar. This was the principal reason for granting pre-arrest bail to the said co-accused apart from the fact that not even a single EMI was defaulted. In my considered view, the parity may not arise in as much as the

investigation has disclosed that the account was opened on the basis of a fabricated Aadhar Card.

10. I also find that the fact that the amount has been repaid, may not outweigh the other considerations about the proper investigation of the matter. It is now well settled that the custodial interrogation is more elicitation oriented than where the Accused is protected by an order of pre-arrest bail.

11. Considering the over all circumstances, no case for grant of pre-arrest bail is made out. The Criminal Application is rejected.

12. At the request of learned counsel for the Applicant, interim protection stands extended for a period of two weeks.

C.V. BHADANG, J.