IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1103 OF 2022

Mr. Pravin Amarsi Manani .. Applicant.
v/s.
The State of Maharashtra .. Respondent.

Mr. R. V. Sipahimalani, for the Applicant.
Mr. A. A. Palkar, APP for the Respondent-State.
Mr. A. M. Taware, Vadgaon Maval Police Station, Pune (Rural) present.

CORAM: VINAY JOSHI, J.
DATED : 22nd APRIL, 2022.

P. C.:

In anticipation of arrest in Crime No. 256 of 2021 registered at Vadgaon Maval Police Station, Dist. Pune for the offences punishable under Sections 420, 467, 468 471 read with 34 of Indian Penal Code, the applicant is seeking pre-arrest bail.

2 It is the prosecution's case that forged documents have been tendered to a bank for obtaining housing loan. Perusal of the investigation papers discloses that co-accused namely – Karamchandani had purchased residential flat from the applicant who is a builder. While purchasing the said flat, Karamchandani has obtained housing loan from Piramal Housing Finance Limited. It is the specific case that, thereafter, co-accused namely – Prakash Shinde had again tendered the same loan documents to the informant's bank with annexures so as to obtain another loan for the same flat. According to the prosecution, the applicant who is a

builder, has issued a demand letter and thus facilitated the fraudulent transaction.

3 The State resisted bail by contending that applicant is in privy with co-accused. The loan amount was supposed to be disbursed to the applicant hence, there is need of custodial interrogation.

4 Admittedly, the alleged fake documents are tendered to the bank by co-accused Prakash Shinde that too in the name of Karamchandani. There is no dispute that Bank Official suspected the foul play, therefore, amount was not disbursed, meaning thereby, there was no wrongful loss. It appears that, the allegation against the applicant is about facilitating the said attempt. It is alleged that bank official during course of verification, met the applicant, who affirmed genuineness of demand letter and no objection certificate. It can be gathered from remand report dated 10^{th} January, 2021, co-accused Shashikant Kamble has opened the fictitious bank account in the name of applicant's concerned – namely Classic Developer. *Prima facie,* it is evident that the amount was to be transferred in the fictitious account opened by Shashikant Kamble.

5 Having regard to the nature allegations against the applicant, his liberty can be protected by directing him to co-operate with Investigating Agency. In view of that, following order:-

O R D E R

(i) Application stands allowed.

(ii) In the event of arrest, the Applicant/Accused namely Pravin Amarsi Manani in Crime No. 256 of 2021 registered at

Vadgaon Maval Police Station, Dist. Pune punishable under Sections 420, 467, 468 471 read with 34 of Indian Penal Code, be released on bail on his furnishing P. R. bond of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station on every Sunday between 10.00 a.m. to 12.00 noon to facilitate the investigation till charge-sheet is filed or for the period of 90 days whichever is earlier.

(iv) The applicant/accused shall not directly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(v) Application stands disposed of in above terms.

(VINAY JOSHI, J.)