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BHARAT DASHARATH PANDIT

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3142 OF 2021

Shri Suresh Vinayak Deshmukh .... Applicant.
V/s
The State of Maharashtra .... Respondent.

WITH
INTERIM APPLICATION NO.2882 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 3142 OF 2021

Imtiyaz Jainulabdeen Rafai
Legal representative of Visage
Holdings and Finance Pvt. Ltd.
@ KINARA CAPITAL ..... Applicant.

V/s

The State of Maharashtra and Anr. ..... Respondents.

Ms. Vilasini Balasubramanian, appointed Advocate for the Applicant in ABA No.3142/2021
Mr. Abhishek Kulkarni for Respondent No.2 in ABA and for Applicant in IA.
Mr. N.B. Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 21, 2022

P.C.:-

1] Ms. Vilasini Balasubramanian is appointed as an Advocate to represent the Applicant in ABA No.3142 of 2021 and to assist the

Court, as the Counsel for the Applicant has consistently remained absent to work out the matter.

2] Case of the prosecution is, Kinara Capital Limited is in the business of Finance from whom Applicant has made borrowings to the tune of Rs 13,95,000/-.

3] Since the Counsel for the Applicant remained absent on number of times, this Court has appointed Advocate Ms. Vilasini Balasubramanian to represent the case of the Applicant. According to her, Applicant has shown his bonafides by depositing an amount of Rs 10 lakhs in this Court. She would further urge that as far as balance amount to be recovered from the Applicant is concerned, necessary consequences will follow viz recovery proceedings by the complainant. Her contentions are, Applicant perhaps appears to be available for investigation, ad-interim protection granted by this Court needs to be confirmed.

4] Learned APP, however, would oppose the prayer. He would urge that in addition to aforesaid liability of Rs 13,95,000/-, Applicant has received an amount of Rs 6,00,000/- from other borrowers. It is claimed that such amount must have been received towards commission for sanctioning illegal loan and the Applicant was acting in connivance with the main accused Sachin Borse.

5] I have appreciated said submissions.

6] Applicant being beneficiary of illegal loan transaction is apparent, particularly in the background of the fact that the loan was obtained by the Applicant by submitting forged documents viz. Aadhar Card and PAN Card etc. Even if Applicant has deposited an amount of Rs 10 lakhs in this Court, that will not absolve him of his criminal liability, particularly when in addition to aforesaid amount, unaccounted money was received by him in his account from other borrowers. That being so, there is enough evidence on record to infer prima facie involvement of the Applicant in the crime.

7] Application as such fails and same stands dismissed.

3] Maharashtra State Legal Services Authority is directed to pay admissible fees to the learned Advocate Ms. Vilasini Balasubramanian who was appointed by this Court to assist the Court.

4] Intervener has not pressed the Interim Application. He is at liberty to move before the Trial Court in relation to the withdrawal of the amount. Needless to clarify that the amount deposited in this Court be made over to Investigating Officer as sale proceeds towards recovery in the crime in question. Interim Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)