

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.450 OF 2022

Mrs Preeti w/o Sachin Mittal **Versus** State of Maharashtra, thr. PSO PS Dhantoli, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S.Samdekar, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/07/2022

1. The applicant is seeking bail in connection with Crime No. 181/2019, registered with Police Station, Dhantoli, District Nagpur (City), for the offences punishable under Sections 420, 406, 409, 120-B, 465, 467, 468, 471, 477-A of the Indian Penal Code, 1860 and Sections 65 and 66(B) of the Information Technology Act and Section 3 of the Maharashtra Protection of Investors and Depositors Act.

2. Shri A.S. Samdekar, learned counsel for the applicant submits that though the amount was repaid by the applicant, further outstanding amount of Rs. 39,07,396/- is shown against the applicant. He further submits that the applicant is ready to cooperate in the investigation.

3. It is pointed out that, all the relevant documents about the payment of amount was supplied to the investigating officer. However, the same will be again

supplied to the investigating officer, to point out that the entire amount has already been paid by the applicant. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Ms Shamsi Haider, learned APP strongly opposed the present application and submits that amount of Rs. 39,07,396/- needs to be recovered from the applicant and for that, the custodial interrogation of the applicant is necessary. Accordingly, she prays for rejection of the present application.

5. I have perused the Case-diary, FIR and Reply filed by the State.

6. In this case, the FIR was registered on 15/05/2019 and the investigation is going on.

7. The allegations made against the applicant are that though the C.E.O. of the Bank has specifically mentioned in the office note that the present applicant does not have capacity or ability to repay the loan. The present applicant along with her husband, conspiring with the other co-accused of the Bank, got disbursed the loan of Rs. 80 Lakhs in her favour, on the basis of incomplete documents.

8. Thus, considering the allegations and the defence of the applicant that entire amount is paid, I am of the opinion that the purpose would be served if the applicant is asked to attend the Police Station and cooperate the Investigating Officer in finding out, whether the applicant has repaid the loan amount or not, by providing necessary documents which the applicant has undertaken

before this Court to supply. Accordingly, I pass the following order:

- a) The Criminal Application is **allowed**.
- b) The ad-interim anticipatory bail granted by this Court on 28/06/2022, is confirmed.
- c) The applicant shall attend the concerned Economic Wing, Crime Branch, Nagpur on 25/07/2022 to 31/07/2022 between 10.00 a.m. to 12.00 noon and shall cooperate the investigating officer in investigation.
- d) Liberty is granted to the State to apply for cancellation of bail, in case of breach of condition.

[ANIL S. KILOR, J.]

rkn