

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.177 OF 2023

Shri Rajaram Dullabh Patil & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

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Mr. Mukul S. Kulkarni, Advocate for applicants
Mr. A.S. Shinde, A.P.P. for respondents, assisted by
Mr. V.D. Sapkal, Senior Counsel, instructed by
Mr. Abhijeet Choudhari, Advocate for original complainant and
Mr. V.D. Hon, Senior Counsel, instructed by
Mr. A.V. Hon, Advocate for intervener

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WITH

**CRIMINAL APPLICATION NO.772 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO.177 OF 2023**

Mhasai Mata Mahila Gramin Bigarsheti
Sahakari Patsanstha Ltd. & ors. ... **APPLICANTS**

VERSUS

Rajaram Dullabh Patil & ors. ... **RESPONDENTS**

.....

Mr. V.D. Hon, Senior Counsel, instructed by
Mr. A.V. Hon, Advocate for applicant
Mr. Mukul S. Kulkarni, Advocate for R.No.1 to 5
Mr. A.S. Shinde, A.P.P. for State

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WITH

**CRIMINAL APPLICATION NO.767 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO.177 OF 2023**

Manoj s/o Madhukar Chaudhari

... **APPLICANT**

VERSUS

Rajaram Dullabh Patil & ors.

... **RESPONDENTS**

.....
Mr. V.D. Sapkal, Senior Counsel, instructed by
Mr. Abhijeet Choudhari, Advocate for applicant
Mr. Mukul S. Kulkarni, Advocate for R.No.1 to 5
Mr. A.S. Shinde, A.P.P. for State
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CORAM : R.G. AVACHAT, J.

DATE : 15h MARCH, 2023

P.C. :

Criminal Application Nos.772/2023 and 767/2023
are allowed. The applicants therein/ interveners are permitted
to assist learned A.P.P.

2. Heard. The applicants were the Directors of Tapi
Chemicals Pvt. Ltd. It had raised a loan of Rs.80 Lakhs on
19/7/1999 and Rs.50 Lakhs on 3/11/1999 from P.K. Anna Co-
operative Bank. It has been alleged in the F.I.R. that, since
beginning the applicants had an intention to cheat the Bank.
The loan was availed on hypothecation of goods. A landed
property of the Company has been sold. The loan amount
swelled to little over Rs.3 Crores. The learned counsel for the
interveners submit that, one of the applicants is a relation of
the then Chairman. The officials of the Bank had intentionally

advanced the loan to the applicants against no security. Only with a view to defraud the Bank the applicants have sold their agricultural land way back in 2013, investors' are awaiting for return of their hard earned money amounting to Rs.36 Crores.

The learned A.P.P. and learned Senior Counsel for both the interveners have thus objection to grant the anticipatory bail application.

3. Perused the F.I.R. The loan dates back to the year 1999. The F.I.R. has been lodged after about 23 years. Some documents are placed on record to indicate the applicants to have repaid the loan to the extent of little over Rs.1,60,00,000/-. It is true that, the applicants have sold another land, but it was not given as a security. It was sold way back in 2013. A recovery certificate has also been issued in favour of the Bank. It appears that, the dispute has a civil flavour. Another immoveable property of the Directors, totally admeasuring about 4 to 7 Hectors has been under attachment.

4. Close reading of the papers thus do indicate that it is a civil dispute relating to recovery of the loan. The persons in management of the Bank ought to have advanced the loan against good security. The same has not been done. Although they have been named in the F.I.R., it is not known as to what

happened of other borrowers. Possibility of there being other persons defaulting on loan cannot be ruled out. It is reiterated that the F.I.R. has been lodged long long after 23 years post grant of the loan. Amount of little over Rs.1,60,000/- has been repaid. It appears, because of the rate of interest the figure has swelled. The recovery officer may do well to immediately sell out the property under attachment and ensure the recovery of the amount. He may also be after the Directors (applicants) against their personal properties. Suffice it to say that custodial interrogation of the applicants, in the facts and circumstances of the case, is unwarranted. Hence the application is allowed. The order dated 8/2/2023, granting interim anticipatory bail to the applicants is made absolute.

5. The applicants shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required.

6. The observations made herein are prima facie in nature and the trial Court shall not be influenced thereby.

(R.G. AVACHAT, J.)

fmp/-