

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1125 OF 2023

MACCHINDRA VISHWANATH PATHARE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. N. B. Narwade

APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : AUGUST 03, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 382 of 2023 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. Informant Jayant reported to the police that on 15.11.2019 he received notice from Nagar Urban Bank wherein it was informed that Chaitanya Kulkarni proprietor of Mantra Printers has obtained loan of Rs. 3 crore of land Gut No. 512/1/5/1 owned by informant. Informant, therefore, went to the Kedgaon branch of the said bank wherein it was found that by impersonating him someone has executed the mortgage deed in respect

of his property. Thus, according to him, Macchindra, Ramdas, Mahadev and Anand along with Chaitnya have committed fraud and thereby cheated him.

3. Learned Counsel for the Applicant states that Applicant is the victim of the crime and that as back as on 04.12.2019 he had lodged complaint with S. P., Ahmednagar about present case. It is his allegation that he never stood as guarantor to the said loan transaction and that his signature is forged by someone. In order to support his contention, it is contended that had he been the guarantor to the said loan, there ought to have been details filled in of his properties.

4. Learned APP opposed the said contention by contending that this Applicant cannot be termed as victim as there was nothing for him to loose. It is submitted that the non-disclosure of the properties in the loan application clearly indicates that he was party to the transaction in question. It is also submitted that the signatures of Applicant are appearing on loan application, which shows his *prima facie* involvement in crime.

5. Learned Counsel for the Applicant has made categorical statement that during the course of investigation his handwriting as well as specimen signature has been obtained by the investigating officer. Learned APP, on instructions, confirms the said fact.

6. It is pertinent to note that the documents on record show that there are two signatures allegedly made by applicant, however bare perusal of the same show that they differ from each other. Moreover, except for the signature, no other particular is provided therein, such as address, properties etc. Had it been a case that the Applicant was really a party to this transaction, the details about his property for the purpose of address could have been given in the proposal. At this stage, there is nothing on record to show that he could be the same person who had signed the document or beneficiary to the same. Considering complaints lodged by him in year 2019 itself, indicates that he may not be party to the crime. There are no criminal antecedents of the Applicant. He is not likely to flee from justice.

7. In view of above, application is allowed by confirming order dated 13th July, 2023.

(R.M. JOSHI, J.)

Malani