

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2114 of 2023

Amar Dharmaraj Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2120 of 2023**

Shankar Uttareshwar Mane ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Vikrant V. Phatate with Mr. Shriram S. Chaudhari for the Applicant.
Mr. S.V. Gavand, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JULY, 2023.

P.C.:-

1. Anticipatory Bail Application No.2120 of 2023 is not on board.

Upon being mentioned taken on board.

2. The Applicants apprehend their arrest in Crime No.434 of 2023 registered with Pandharpur Taluka Police Station, Solapur (rural), for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468, 471 and 479 r/w 34 of the IPC.

3. Heard Mr. Vikrant Phatate, learned counsel for the Applicants and Mr. S.V. Gavand, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties

4. The aforesaid crime was registered pursuant to the order passed by the learned Magistrate under Section 156(3) of the Cr.P.C., on an application filed by Suhas Narayan Shirsale, Chief Officer of M/s. Vardaini Multistate Co-op. Credit Society, Pandharpur. The facts narrated in the FIR prima facie reveal that one Ratnamala Jaisinh Deshmukh and her husband Jaisinh Deshmukh had applied for loan of Rs.4,00,000/- from the said Co-operative Credit Society and agreed to repay the same with interest within a period of two years. The borrowers executed a mortgage deed and mortgaged the property under Gut No.1015/2 and 1015/1. The co-accused, Mr. Shivaji Shashikant Deshmukh and Mr. Dattatray Pandurang Pandhare stood as guarantors for the said loan and provided 7/12 extracts of land bearing Gut Nos.1013/1/B and 291/1 respectively.

5. The copy of the mortgage deed was submitted in the office of

Talathi, Kasegaon and the same was mutated under Mutation Entry No.19359 and thereafter loan of Rs.4,00,000/- was disbursed to the co-accused-Ratnamala Deshmukh and Jaisinh Deshmukh. It is alleged that as on 31/01/2018 the said borrowers were in arrears of Rs.7,28,894/-. The First Informant has alleged that the borrowers, the co-accused and the Applicants being Talathi and the Circle Officer, entered into a criminal conspiracy and submitted a false and forged application dated 20/1/2018 in the office of Talathi stating that no dues were payable to the said Society. It is alleged that these Applicants, without verifying the facts made an entry No.21878 dated 20/1/2018 thereby lifting the entry of the mortgage deed.

6. The records reveal that on receipt of the said notice under Section 150(2) of the Maharashtra Land Revenue Code, 1966 in Form No.9, the Credit Society raised objections and upon considering the same, the entry was reversed under Mutation Entry No.19359. It is stated that subsequently, the borrowers have repaid the money.

7. The records do not prima facie indicate that the Applicants had entered into a criminal conspiracy to cheat the Society. Considering the above facts and circumstances, this is a fit case to exercise discretion

under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.434 of 2023 registered with Pandharpur Taluka Police Station, Solapur (rural), they are ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

8. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)