

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

**ANTICIPATORY BAIL APPLICATION NO. 2240 OF 2022**

Rohan Balasaheb Waghmare

Age : 32 Years, Occupation : Business,

R/o. : Azad Nagar, Molacha Odha,

Satara.

...Applicant

vs.

State of Maharashtra

[At the instance of Shahupuri Police Station

Satara in C.R. No. 84 of 2022].

...Respondent

**ALONG WITH  
ANTICIPATORY BAIL APPLICATION NO. 2241 OF 2022**

Rohan Balasaheb Waghmare

Age : 32 Years, Occupation : Business,

R/o. : Azad Nagar, Molacha Odha,

Satara.

...Applicant

vs.

State of Maharashtra

[At the instance of Shahupuri Police Station

Satara in C.R. No. 81 of 2022].

...Respondent

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Dr.Warunjikar a/w Mr.Santosh Musale, Advocate for the Applicant.

Mr.Y.Y.Dabke – APP for the Respondent-State.

Mr.B.S.Mulla-PSI-Shahupuri Police Station-Satara.

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**CORAM : S. M. MODAK, J.**

**DATE : 9<sup>th</sup> MARCH, 2023**

**P.C. :-**

1. Heard learned Advocate Shri.Musale for the Applicant and learned APP Shri.Dabke for the Respondent-State.
2. Today, an affidavit (Annexure-X) is filed by the Applicant which is taken on record stating how much payment he has made to the State Bank of India and how much payment is going to be made in future. It is annexed by letter dated 8<sup>th</sup> March, 2023 issued by the State Bank of India. The total compromised amount is Rs.1,25,00,000/-. The period for repayment was extended till 31<sup>st</sup> January, 2023. Yet, an amount of Rs.83,75,000/- is due. Applicant has further asked for extension till June-2023. He has issued two post dated cheques for Rs.10,00,000/- dated 24<sup>th</sup> March, 2023 and Rs.8,50,000/- dated 25<sup>th</sup> April, 2023. Bank has said that subject to realization of these cheques, Bank will consider the extension till June-2023.
3. Learned APP opposed the conduct of the Applicant in giving promises and not fulfilling them. This Court has granted interim protection as per the order dated 25<sup>th</sup> August, 2022. It was vacated for non compliance of the conditions vide order dated 20<sup>th</sup> October, 2022. Furthermore, as per the order dated 15<sup>th</sup> December, 2022, this Court directed that the Applicant should not be arrested.

4. The offence is registered at Shahupuri Police Station on 9<sup>th</sup> March, 2022 under Sections 406, 420 of Indian Penal Code, 1860 [“IPC”]. The allegation is that the Applicant has taken an overdraft loan by mortgaging the shops and flats. He has sold them without informing the Bank. The crime No. 81 of 2022 in respect of ABA No.2241 of 2022 is filed. Whereas, C.R. No. 84 of 2022 is registered with the same Police Station for the offence punishable under Sections 179, 186, 225, 332 and 353 read with 34 of IPC against in all 3 persons. Out of them, 2 were granted regular bail by the Court of Sessions, whereas, Applicant is praying for anticipatory bail by way of ABA No.2240 of 2022. The sum and substance of the allegation is that, when the Applicant had gone to the Police Station for the purpose of investigation on 10<sup>th</sup> March, 2022, the other two accused persons helped the present Applicant in running away in car. In that offence, the Police have already filed charge-sheet.

5. Considering the above circumstances, it seems that the First-Informant Bank is also interested in recovery of the money. Let the Bank and Applicant to decide about their financial transaction and about the repayment. The fact remains that the offence pertains to the documents and the Police can certainly collect those documents.

6. In view of that, I am inclined to confirm the interim protection

granted in both these offences. Hence, following order is passed :-

O R D E R

- (i) In the event of arrest, the Applicant be released on furnishing P.R. bond and S.B. of Rs.25,000/- each in C.R. No.81 of 2022 registered with Shahupuri Police Station - Satara.
  - (ii) In the event of arrest, the Applicant be released on furnishing P.R. bond and S.B. of Rs.25,000/- each in C.R. No.84 of 2022 registered with Shahupuri Police Station - Satara.
  - (iii) The Applicant to give attendance to in ABA No. 2241 of 2022 on every Sunday from 10.00 to 12.00 noon until filing of charge-sheet and to co-operate with the Police as and when required.
7. Applications are disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]