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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.862 OF 2022

Yogesh Balu Kedare ... Applicant
Versus
State of Maharashtra ... Respondent

.....

Mr.Amey Deshpande a/w Vandana Rathod Bait, Harsh Nishar for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent - State.

API Narendra Baisane, Gangapur Police Station present.

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CORAM : N.R. BORKAR, J.

DATED : 20 MARCH 2023

P.C. :-

1. This is an Application filed under Section 438 of Criminal Procedure Code, 1973 for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. I 03 of 2021 registered at Gangapur Police Station, District Nashik for the offences punishable under Sections 420, 406, 467, 468, 471, 409 r/w 34 Indian Penal Code, 1860.
3. I have heard the learned counsel for the applicant and the learned APP for the State.
4. On 31st March 2022, this Court passed the following order;
 - “. The Applicant, apprehending arrest, in connection with investigation of Crime No.31/2021 of Police Station Gangapur, Nashik, under Section 420, 406, 467, 468, 471 and 409 r/w. 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 2 January 2021 lodged by Sumit Bhau Kamble who is an officer of Bajaj Finance Ltd. at Nashik. The allegation is that in September 2018, the Applicant applied to the said finance company for obtaining a loan for his medical profession. After verification of the credentials, a loan of Rs.20,42,500/- was granted to the Applicant. It was further disclosed that the Applicant is not having any medical qualification and the documents were fake.
3. I have heard the learned counsel for the parties. Perused record.
4. The learned counsel for the Applicant has submitted that the Applicant has never applied for any such loan. The Applicant is working as a peon with Gram Panchayat Shirsane. It is submitted that the fake account is opened in the name of the Applicant by the co-accused Pushpendra Suresh Ahire (Accused No.4) in the Bank of Maharashtra at Nashik and the loan amount is transferred in the said account. It is thus contended that even the account opened in the Bank of Maharashtra in the name of the present Applicant is not opened by the Applicant. It is pointed out that the investigation is complete and the Accused No.2 has been released on regular bail.
5. Learned APP seeks time as the Investigating Officer is not present today.
6. Prima facie, it can be seen that the contention that the Applicant has not applied to the Bajaj Finance Ltd. nor has opened any account in the Bank of Maharashtra at Nashik, would go to the root of the matter. It would be thus appropriate at this stage to direct the Applicant to join the investigation by furnishing his specimen handwriting / signature as well as Aadhar Card and PAN Card in order to enable the Investigating Officer to conduct further investigation on this aspect.
7. Hence, the following order is passed.

ORDER

- (i) In the event of his arrest, in connection with investigation of Crime No.31/2021 of Police Station Gangapur, Nashik, the Applicant Yogesh Balu Kedare, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (ii) The Applicant shall report to the Investigating

Officer on 4/4/2022 and 5/4/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

- (iii) The Applicant shall furnish his specimen handwriting / signature and the original Aadhar Card and Pan Card, if any, before the Investigating Officer and shall cooperate with the Investigating Agency.
- (iv) This order shall remain in force, till next date.
Stand over to 28 April 2022.”

5. It is the prosecution’s own case that accused nos.1 & 4 got transferred the amount in question to their bank accounts. Therefore, *prima facie* the defence of the applicant that he had never applied for loan in question appears to be probable. In that view of the matter, I am inclined to allow the present Application. Hence, the following order;

ORDER

- (i) Anticipatory Bail Application is allowed.
- (ii) Interim order dated 31st March 2022 passed by this Court is hereby confirmed.
- (iii) The Applicant shall attend the concerned police station as and when called by the Investigating officer and shall cooperate in the investigation.
- (iv) Anticipatory Bail Application stands disposed of.

(N.R. BORKAR, J.)