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

**INTERIM APPLICATION NO. 1156 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 461 OF 2020**

Anil Shivsharan Singh ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Atal Bihari Dubey – Advocate for Applicant.

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

Mr.Rajesh Ojha – Police Inspector.

Mr.Deore – ASI.

CORAM : S. M. MODAK, J.

DATE : 31st MARCH, 2023

P. C. :-

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1. Mentioned out of turn.
2. Learned Advocate for the Applicant wants to catch a train. In fact, his Bail Application was dismissed for non prosecution as per the order dated 5th February, 2021. Present Application is for restoration. Considering the reasons mentioned therein, the Application is restored and disposed of.

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3. Heard learned Advocate for the Applicant and learned APP for

the Respondent-State.

4. The present Applicant is the borrower of a gold loan obtained from one Cathelic Serian Bank Ltd., Bhayander (West). Apart from him, there are also other borrowers. The bank used to give loan against the pledging of gold. At a material time, one Francis Mathiv Pallithara was the Branch Manager. Without following the procedure, he sanctioned gold loans. When new Manager came, he realized this and came to know that various gold loans were sanctioned without obtaining the certificate about the gold from competent person. That is how, FIR is registered against various persons and one of them is Applicant. The offence is registered at Bhayander Police Station on 15th June, 2016 under Sections 408, 420, 467, 468, 470, 471, 120B of the Indian Penal Code, 1860 ["IPC"]. The earlier Branch Manager is one of the Accused.

5. The Bank has sanctioned a loan of Rs.3,17,000/- to the present Applicant. During argument, it is submitted that the Applicant is office bearer of one Sanatan Co-operative Credit Society Ltd. Certain papers are annexed on Page No.16 to Page No.21 pertaining to the activities of the Society. It is submitted that the said Patpedhi used to sanction gold loan to its members and the gold accepted from their

members used to be pledged to the Bank and accordingly, gold loan was obtained. One of such loans is obtained by the Applicant. Whereas, according to learned APP the gold loan is obtained by the Applicant in his personal name and not the office bearers of the Society. It is submitted that the charge-sheet is filed against in all three persons and out of them, the earlier Manager is one of the Accused and rest two are the other borrowers.

6. It is submitted that during this period, the Applicant was absconding and could not be arrested, whereas, it is submitted that the Applicant has even cooperated the Police. It is submitted that as on today, the Applicant owes the amount of Rs.17,89,928/-. (in the form of ornaments). The golden ornaments which were pledged to the Bank were already seized by the Police. So, there is no need to recover from the Applicant. It is submitted that the Applicant is ready to deposit an amount of Rs.3,17,000/-.

7. The Court cannot consider the amount in addition to Rs.3,17,000/- if at all, the conditions is to be imposed while granting Anticipatory Bail. So, no purpose would be served by rejecting the Bail. However, if it is granted subject to condition to deposit the amount, at least the principal amount of Bank will be secured.

Hence, I am inclined to pass following order :-

O R D E R

- (i) Application is allowed.
- (ii) In case of arrest in connection with C.R.No. 164 of 2020 registered with Bhayander Police Station, under Sections 408, 420, 467, 468, 470, 471, 120B of IPC, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.
- (iii) Applicant to give attendance to Bhayander Police Station on Monday from 10.00 to 12.00 noon for three months from today or till filing of charge-sheet whichever is earlier.
- (iv) Applicant to deposit an amount of Rs.3,17,000/- within a period of two weeks before the Court of concerned JMFC and to produce receipt before the Police.
- (v) The Court of JMFC is at liberty to take appropriate decision about release of that amount after hearing the concerned parties.

8. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

9. Application is disposed of in the aforesaid terms.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]