

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1893 OF 2023**

Raju Ghanshyamdas Tarani ...Applicant
vs.
State of Maharashtra ...Respondent

**INTERIM APPLICATION STAMP NO.13634 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1893 OF 2023**

Prakash Lalchand Bajaj ...Intervenor

In the matter of

Raju Ghanshyamdas Tarani ...Applicant
vs.
State of Maharashtra ...Respondent

Mr. G. R. Agrawal with Monish Bhatia for the Applicant.
Mr. S. R. Agarkar APP for the Respondent-State.
Ms. Priyanka Pardeshi i/b Mr. Bharat Bhatia for the original complainant.

CORAM : S. M. MODAK, J.

DATED : 27TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant, learned APP for the Respondent-State and learned Advocate for the first informant. The Investigating Officer is present.
2. There is allegation that the Applicant assisted the first

informant in obtaining loan from the Capital Bank i.e. present IDFC First Bank, of Rs.50,00,000/-. The Applicant and his brother somehow paid few of the installments but due to covid, certain installments remain to be paid. The Applicant further assured them that he can settle the matter with the bank provided Rs.15,00,000/- has to be paid to the bank and Rs.5,00,000/- to him towards commission. The Applicant produced one foreclosure letter alleged to be issued by the said bank mentioning that the first informant has to deposit Rs.15,03,186/-.

3. The first informant somehow deposited Rs.5,00,000/- on 15th February 2021 and Rs.5,00,000/- through RTGS on 16th March 2021. The Applicant assured that he will bring NOC letter from the bank. When the first informant demanded the documents, the Applicant avoided to return them. Furthermore, he has assured that he will arrange for further loan of Rs.35,00,000/- from the bank provided commission of Rs.50,000/- is paid to him. In order to gain confidence, he further brought sanction letter from the bank for Rs.35,00,000/-, however, money could not be disbursed. In August 2022, when IDFC Officer visited shop of the first informant and informed about arrears and at that time they stated that foreclosure

letter and NOC were not issued by the bank. That's how the FIR came to be registered with Madhyavarti police station, Ulhasnagar under Sections 420, 465, 467, 468, 471 of IPC.

4. Number of contentions were raised by learned Advocate Mr.Agrawal. Even though the complainant got knowledge in August 2022, FIR is belatedly lodged. Reliance is also placed on one notice issued to the first informant and two other persons on 11th October 2021, asking them to pay amount which they have assured towards services rendered. It is true that in the said letter there is reference of NOC dated 5th June 2021. He claims that it was handed over to him by one Punjabi. It is true that there are messages exchanged in between said Punjabi and present Applicant through Whatsapp. There copies are filed by the first informant.

5. Be that as it may, the allegation in the FIR reveals that the Applicant gave various promises to the first informant and induced him to part away with money. Learned Advocate for the first informant has shown me letter issued on behalf of the IDFC First Bank that they have not issued any Sanction letter, Foreclosure letter, No due certificate or No objection certificate to the borrowers. On one hand the applicant boldly contends that those letters are issued

to him through one Punjabi who is working in Bank but on other hand the Bank says that they have not issued any letter. Bank's contention need to be given priority. Contention that one Mr. Punjabi gave him those letters is not substantiated. Considering the above, no case is made out for grant of anticipatory bail. These forged letters need to be investigated and for that purposes custodial interrogation is required.

6. Application is rejected. Interim Application Stamp No.13634 of 2023, is also disposed of.

7. These are my *prima facie* observations and the trial Court may not be influenced by that.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]