

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.1941 OF 2023

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Prashant Tukaram Gade

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Harsh Pathak i/b Mr. Aniruddha M. Chandekar, for
the Applicant.

Mr. Shailesh Khart, for the Complainant.

Mrs. Rutuja Ambekar, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 2, 2023

P.C.:

1. Apprehending arrest in connection with C.R. 408 of 2023 registered with Khed Police Station for offences punishable under Section 420, 468, and 471 of the Indian Penal Code, 1860. The applicant is seeking relief under Section 438 of the Code of Criminal Procedure, 1973.

2. It is the case of prosecution that the informant who is senior officer of District Central Cooperative Bank, Branch Rajgurunagar, Lodged report on 17/05/2023. It is alleged that there is bank account of one Shri Khandoba Devsthan Trust with the bank. The transaction of the said account are operated by the treasurer and president. The applicant came at bank on 27/02/2023 and by

saying that he is member of the trust and audit of the trust is going on, therefore, account extract of the period from 18/02/2022 to 27/02/2023 is necessary. He gave the application signed by president and treasurer of the trust. Accordingly, the account extract was provided to the applicant. On the next day, the president and treasurer of trust came at bank and questioned as to how account statement was given to the applicant. Therefore, bank manager showed them application made for same. However, they stated that the application do not bear their signatures and seal over it does not belong to trust. Therefore, the applicant was called and account statement given to him was taken back.

3. The applicant therefore filed application under Section 438 before the Sessions Judge which came to be rejected by order dated 27th June 2023.

4. On perusal of the report and case papers, it appears that the application submitted to the bank seeking bank account statement of one Khandoba Devasthan Trust, was signed as a President and Treasurer of the trust. Based on the application, account extract of the said trust was provided to the applicant. The President and Treasurer of the trust made the officials of the bank on the next day and disputed their signatures on the application. According to prosecution, the applicant accepted his mistake by submitting an application. However, according to applicant, he is disputing the signature on the said apology letter. According to him, he disputed the signature on the application by submitting an application with the concerned Police Station. On prima facie consideration of the application, it appears that it prima facie appears that the

signature on the application seeking bank account of Khandoba Devasthan Trust was forged. Prima facie, the applicant initially accepted the mistake but, thereafter, is disputing the signatures. Therefore, custodial interrogation of the applicant is necessary to ascertain the motive, preparation and purpose of seeking bank account details of the trust.

5. The anticipatory bail application is therefore rejected. No costs.

(AMIT BORKAR, J.)