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

ANTICIPATORY BAIL APPLICATION NO.2046 OF 2023

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Sagar Ramdas Ingle & Anr.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Akash Pandey for the applicant.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 28, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.231 of 2023 registered with Lonand Police Station for offences punishable under Sections 188, 34, 380, 457, 506 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. The complainant is Manager of Bank of Maharashtra, Malegaon Branch since last one year. Accused Sagar and Rohit has taken loan from Bank and hypothecated their property with movable goods towards guarantee of loan. Those person failed to repay the loan hence notice was issued and symbolic possession was taken and thereafter by order of Collector dated 18 October 2022 actual physical possession was taken and the property was sealed. The complainant Bank deployed two guards on property,

however, on 18 May 2023 said Sagar and Rohit Ingale has threatened the guards, cut the seal and committed theft of clothes of Rs.2 lakh from the premises. Accordingly, first information report was registered.

3. The applicant approached learned Sessions Judge under Section 438 of the Criminal Procedure Code, 1973 which came to be rejected by order dated 1 July 2023. The applicant, therefore, filed present anticipatory bail application.

4. On prima facie perusal of the material, it appears that in furtherance of action under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, possession of the property was delivered to the secured credit/bank. The possession was delivered on 25 April 2022. However, it is alleged that the applicant on 18 May 2023 around 8.00 p.m. opened the seal by using cutter and entered the premises. They took away goods worth Rs.2 lakh.

5. On perusal of the material, it appears that prima facie case is made out against the applicant and, therefore, custodial interrogation of the applicant is necessary to seek recovery of the sealed goods.

6. The applicant has failed to make out a case for grant of relief under Section 438 of the Criminal Procedure Code, 1973. The anticipatory bail application, therefore, stands rejected. No costs.

(AMIT BORKAR, J.)