

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2555 OF 2022

Satpalsingh Harbansingh Oberai ... Applicant

V/s.

State of Maharashtra ... Respondent

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Advocate P. R. Dave a/w. Mr. Pradeep Kumawat and Mr. Ashray Dave
for Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th SEPTEMBER 2023

P. C:-

1. By this Application, Applicant is seeking bail in C.R.No.I-154 of 2021 registered with CBD Belapur Police Station, Navi Mumbai for the offences punishable under Sections 420 and 406 of Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that Applicant took amount of Rs.10 lakh from the complainant as a processing fee to sanction the amount of Rs.3 crore. On 23.03.2021, complainant came in contact with Applicant through one Gautam Basin. Complainant was in need of business loan of Rs.3 crore. Since present Applicant was in

the business of sanctioning loan, Applicant assured complainant to get Rs.3 crore loan sanctioned and for sanctioning the said loan, complainant allegedly paid Rs.10 lakh as processing fee. However, the said loan was not sanctioned in specific period, therefore complainant asked Applicant for refund of his 10 lakh amount. Out of that amount, Applicant refunded Rs.4,70,000/- and remaining Rs.5,30,000/- has allegedly siphoned off by Applicant. Hence, complainant has lodged FIR against Applicant.

3. It is the contention of learned Counsel for the Applicant that, Applicant could not process the loan process of complainant due to covid period and complainant's cibil score. Moreover, Applicant has refunded amount of Rs.4,70,000/- to the complainant it shows Applicant had no intention to cheat the complainant. Applicant is behind the bar more than two years. The maximum punishment for the offence punishable under Section 420 is of 7 years. Hence, requested to allow the Application.

4. Learned APP submitted that, Applicant intentionally cheated the complainant. Applicant had antecedents. Some cases are registered against the Applicant of the same nature which shows he is habitual offender. If Applicant is released on bail, he may

influence prosecution witnesses or may abscond. Hence, requested to reject the Application.

5. Learned Counsel for the Applicant submitted that, if Applicant gets bail, he will deposit the remaining amount of complainant with the police.

6. I have heard both the learned Counsel.

7. Applicant had taken the amount for processing of the loan amount. Out of the taken amount of Rs.10 lakh, Applicant has refunded Rs.4,70,000/-. Applicant is behind the bar more than two years. The investigation is completed and charge-sheet has been filed. Considering the above facts, further detention of Applicant is not required.

8. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. I-154 of 2021 registered with CBD Belapur Police Station, Navi Mumbai on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
9. The Application is allowed in the aforesaid terms and is accordingly disposed off.
10. All concerned to act on the authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

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