IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2575 OF 2022

Swapnil Madhukar Bhumkar ... Applicant
versus
State of Maharashtra and Anr. ... Respondents

Mr. Subhash Jha with Ms. Linisha Seth, Ms. Shraddha Kataria i/by Law Global, for Applicant.
Mr. R.M.Pethe, APP for State.
Ms. Suvarna Rajesh Deepala i/by Mr. Pritesh Bansod, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 12 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with C.R.No.569 of 2022 registered with Wakad Police Station for the offences punishable under Section 406, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

3. When the application was listed before this Court on 6 October 2022, this Court was persuaded to grant interim bail recording, inter alia, that there was no allegation that the documents of title on the basis of which the bank had advanced mortgage loan were forged.

4. By a further order dated 18 April 2023, on the basis of the statement made by the Applicant, the Applicant was directed to deposit a sum of Rs.10 Lakhs

with Respondent No.2 without prejudice to his rights and contentions.

5. On the previous date, this Court directed Respondent No.2 Bank to make a statement as to whether the said amount of Rs.10 Lakhs has been deposited, what is the outstanding amount and whether the title deeds on the basis of which the loan has been advanced are forged.

6. The learned Counsel for Respondent No.2, on instructions, submitted that the Applicant has deposited the said amount of Rs.10 Lakhs on 2 May 2023, outstanding balance as on 6 September 2023 was Rs.72,64,753/- and the title deeds on the basis of which loan has been advanced are not forged. However, the account has been classified under fraud category on account of alleged false self-attested financial statement and debit and credit entry in the account and end use house certificate submitted by the Chartered Accountant.

7. The situation which thus obtains is that the title deeds on the basis of which the loan has been advanced, are not forged. In the context of the allegations in the FIR, it becomes, prima facie, evident that the bank proceeded to examine all the cases which were processed through one Pravin Shinde who was acting as agent and in the scrutiny of those cases, it transpired that the some of the documents filed along with the loan application of the applicant were false. Since the loan applications were allegedly processed by Pravin Shinde and the title deeds on the basis of which Respondent No.2 Bank has advanced loan, are said to be genuine, the question of

authorship of the alleged forgery would warrant adjudication at the trial. Pursuant to order of interim bail, the applicant seems to have co-operated with the investigation and, at this length of time, custodial interrogation of the applicant does not seem to be warranted.

8. So far as the recovery of the outstanding amount, the Respondent No.2 bank would be at liberty to initiate appropriate steps as permissible in law.

9. For the foregoing reasons, I am inclined to make the order dated 6 October 2022 granting interim bail absolute on the terms and conditions incorporated therein.

10. The Applicant shall regularly attend the proceedings before the jurisdictional Court.

11. The Application stands disposed.

12. It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)