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

**BAIL APPLICATION NO. 3997 OF 2021**

Sagar Rajaram Chavan ..Applicant
VS.
The State of Maharashtra ..Respondent

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Mr. Balkrishna Tangsali a/w Mr. Roshan Hule for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. Ganesh Shete, PSI, Kalachowki Police Station is present.

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**CORAM : M. S. KARNIK, J.**

**DATE : JANUARY 17, 2023**

**P.C. :**

**1.** Heard learned counsel for the applicant and learned APP for the State.

**2.** This is an application for bail by the applicant-Sagar Rajaram Chavan in connection with C.R. No.90 of 2019 registered with Kalachowki Police Station, under Sections 420, 409, 464, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

**3.** All offences are magistrate triable offences. The incident happened between 24/01/2017 to 06/09/2018. The applicant was arrested on 14/03/2020 and now he is in custody for more than 1 year and 8 months as for some period of time the applicant was on Covid bail. The applicant surrendered. Learned counsel for the applicant submitted that the applicant did not misuse his liberty while on Covid bail. The charge-sheet has been filed and the investigation is complete. One of the co-accused - Sanjay Atmaram Sawant, the Chief Executive Officer of the bank has been granted anticipatory bail by an order dated 28/01/2021 passed by this Court in Criminal Anticipatory Bail Application Stamp No.4915 of 2020. The said order reads thus :-

> "1. The applicant is seeking anticipatory bail in connection with C.R. No. 90 of 2019, registered with Kalachowky Police Station, under Sections 420, 409, 464, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code, 1860 ("IPC" for short).
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> 2. The First Information Report ("FIR" for short) is lodged by one Smt. Jayashree Sawant on 18th May, 2019. She has stated that one Adavkar prepared forged LIC policies in her name and obtained loan of Rs.5,75,000/- from Raigad Sahakari Bank Ltd. The first informant was not even aware of sanctioning of such loan. She received a notice for recovery of that loan. Thereafter she came to know that her name and her policy were misused by one Adavkar. On this basis FIR was lodged.
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> 3. Investigation was carried out. Many other accused were arrested. Some employees of the bank were arrested. In the charge-sheet filed against the co-accused, it is mentioned that in all 124 victims were

deceived by the accused. Forged LIC policies were prepared and loans were sanctioned in their names. The amount of fraud was to the tune of Rs.3,18,36,000/-.

4. The applicant was the Chief Executive Officer ("CEO" for short) of the bank. The learned counsel for the applicant submitted that though finally loans were sanctioned under his signature, he had to depend on the report made by his sub-ordinates. The forged documents were so similar to the original documents that it was impossible to see the difference. He submitted that the applicant himself was misled by the main accused Adavkar and others. He therefore prayed for grant of protection of anticipatory bail.

5. Learned APP submitted that the agent Adavkar was appointed in the bank by the applicant himself and therefore it is an indication that the applicant was hand in glove with the accused Adavkar. He submitted that looking at the large number of victims it is impossible to believe that the applicant had no role to play in this fraud.

6. The investigating officer has filed affidavit opposing the application for bail. The affidavit refers to sanction of loan on the basis of the Life Insurance Corporation ("LIC" for short) policies. There is no strong circumstance showing involvement of applicant. It is alleged that applicant has sanctioned 42 loan proposals on the basis of forged LIC policies. The applicant so far appeared before the investigating officer on eight occasion he has been interrogated. The allegation that Adavkar was appointed by applicant is not supported by cogent evidence. The allegation The contentions of the applicant is that there were no occasion for him to suspect the genuineness of the LIC policies. In this circumstances, the applicant need not be subjected to custodial interrogation.

7. Hence, I pass the following order.

**O R D E R**

i) Anticipatory Bail Application (St) No. 4915 of 2020,is allowed;

i) Interim order dated 11th December, 2020, is confirmed;

ii) In the event of arrest of applicant in connection with C.R. No. 90 of 2019, registered with Kalachowky Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/- (Rupees Twenty Five Thousand Only), with one or more sureties in the like amount;

iii) The applicant shall attend the Investigating Officer as and when called for till filing of charge-sheet;"

**4.** It is submitted by learned APP that the loan application forms in question were filled in by the applicant and he should have been diligent while doing so. There is nothing on record to indicate that the applicant is the beneficiary of any amounts from the loans which have been advanced on the basis of the forged LIC policies belonging to the complainant. In any case, the applicant is in custody for more than 1 year and 8 months with no possibility of the trial concluding anytime soon. The applicant was working as a Clerk in the bank. Considering that the co-accused has been released on anticipatory bail, now that the charge-sheet has been filed and the investigation is complete, the applicant can be enlarged on bail.

**5.** Hence the following order.

**ORDER**

(a) Application is allowed.

(b) Applicant-Sagar Rajaram Chavan shall be released on bail in connection with C.R. No.90 of 2019 registered with Kalachowki Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall report to the concerned police station once in a month i.e. on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

**6.** The Bail Application is disposed of.

**(M. S. KARNIK, J.)**