

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

ANTICIPATORY BAIL APPLICATION NO. 2722 OF 2023

Kailash Nath

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Shreeram Shirsat, for the Applicant.

Mr. Shrikant Yadav, APP for the State/Respondent.

PSI Suraj Jarag, BKC Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 27th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with MECR No.4 of 2021, registered with BKC Police Station, Mumbai, for the offences punishable under Sections 120-B, 406, 420, 465 and 467 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant, who is the wife of accused No.1 Sanjeev Sheth, lodged report with the allegation that the accused No.1 and accused No.2 Sangeeta Sonawane in pursuance of a criminal conspiracy forged documents and on the basis of the forged documents availed a loan of

Rs.12,20,00,000/- from Dena Bank (now Bank of Baroda) in the name of the first informant.

4. The applicant apprehends arrest as he was then working in the Legal Department of Dena Bank and the documents were allegedly executed in his presence, to avail the loan.

5. Attention of the Court was invited to an order dated 18th April, 2023 in ABA/2639/2022 whereby the principal accused Sanjiv Sheth was granted pre-arrest bail.

6. This Court has noted that the principal accused had submitted the specimen of his signature and hand writing and the investigation was complete. Therefore, custodial interrogation of the principal accused would not be warranted.

7. The case of the applicant stands on a better footing. The role attributed to the applicant appears to be that of being present when the allegedly forged documents were tendered and documents were executed to avail the loan. In this backdrop, custodial interrogation of the applicant is not at all warranted.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the Applicants in MECR. No.4/2021, registered with B.K.C. Police Station, Mumbai, the applicant be released on bail on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall report to the Investigating Officer as and when directed by the Investigating Officer.
- (iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

Application stands disposed.

[N. J. JAMADAR, J.]