



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3230 OF 2023**

Suraj Baburao Gaikwad	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Prashant S. Hagare, for Applicant.
Smt. A.A.Takalkar, APP for State.
Mr. Pratik Balasaheb Dhiwar, PC, Saswad Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 10 NOVEMBER 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.376 of 2022 registered with Saswad Police Station for an offences punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. A loan was availed from Sant Sopankaka Sahakari Bank Ltd., Saswad by Mr. Nitin Dadu Dhiwar and Mrs. Jaya Nitin Dhiwar, partners of Nitin Plastics. There was a default in repayment of the loan. The first informant alleged that without repayment of the loan amount, the borrowers and the guarantors dishonestly sold nine moulding machineries without the consent of the bank and thereby deceived the bank.
4. Learned Counsel for the Applicant submitted that the applicant was a guarantor along with Sufiyana Memon and Madhukar Dhiwar and the applicant had

no role in the sale of the assets of the bank. The Trial Court has rejected the applicant on the sole ground that there was a discrepancy in the name of the person who was shown as accused in the FIR namely Suresh B. Gaikwad and the name of the applicant.

5. Prima facie, it appears that the applicant is a guarantor. Learned Counsel for the Applicant invited the attention of the Court to a communication issued by the Branch Manager of the bank to the effect that the applicant, Madhukar Dhiwar and Sufiyan Memon are the guarantors. Since the offences are allegedly committed by the borrowers and guarantors, the apprehension on the part of the applicant of arrest in a non-cognizable offence appears to be reasonable. Having regard to the nature of the accusation and the punishment for the offence under Section 420 entails, it may be expedient to grant pre-arrest bail to the applicant.

6. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Suraj Baburao Gaikwad in connection with C.R.No.376 of 2023 registered with Saswad Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Saswad Police Station on 22nd, 23rd and 24th November 2023 in between 10.00 a.m.

to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

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

(N.J.JAMADAR, J.)