



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3614 OF 2022

Mitesh Mahesh Pujara

...Applicant

V/s.

The State of Maharashtra and Ors.

...Respondents

WITH
INTERIM APPLICATION NO. 1049 OF 2023

Umresh Arun Nangre

...Applicant

V/s.

The State of Maharashtra

...Respondent

Adv. Manoj Kumar Mishra a/w Aniket Pawar for the Applicant.

Adv. Navin D. Shrivastava for the Respondent No. 2.

Ms. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 20.04.2023

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 24 of 2022 registered at Vishrambag Police Station, District Pune, for the offences punishable under Sections 420 read with 34 of the Indian Penal Code (IPC).
3. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for respondent No.2

4. According to the prosecution, the applicant and other co-accused in connivance with each other had initially induced the complainant and others to purchase a flat in non-existing housing project. It is alleged that the complainant and others were then made to avail loan for purchase of the said flat from India Home Loan Ltd., a non-banking financial company. It is alleged that complainant and others were then made to issue cheques towards security of the said loan and then they were subjected to prosecution to dishonour of cheques.

5. The applicant is a Managing Director of India Home Loan Ltd. According to the applicant, his company has nothing to do with the alleged fraud. It is submitted that the loans were disbursed as necessary documents were submitted by the co-accused for availing loan believing that they are genuine. It is submitted that co-accused are responsible for the alleged fraud.

6. On the basis of the affidavit filed by the applicant, this Court on 17 March 2023 passed following order:

"1. The Applicant has filed affidavit dated 1st March, 2023. Paragraph 'F' of the said affidavit reads thus;

"F. With/out prejudice to the Applicant's rights and contentions and without admitting any form of guilt/involvement, the Applicant has preferred not to insist on the Complainant and the other fourteen borrowers for paying the monies back to India Home Loan Limited, is prepared to withdraw all the cases as filed under 138 of the NI Act against thirteen borrowers

and is further, ready to proceed only against Yogendra Khiste and/or his Company Chandrabhaga Realtors Private Limited and/or any related person/party in terms of the Petition as filed before the Hon'ble National Company Law Tribunal (NCLT)."

2. The learned senior advocate Mr. Ponda appearing for the Applicant submits that the Applicant may be granted four weeks time to comply with the above undertaking.

3. List the Application on 20th April, 2023.

4. Ad-interim relief, if any, granted earlier to continue till then."

7. Today learned counsel for the applicant has filed a compliance affidavit. The same is taken on record and marked "X-1" for the purpose of identification.

8. Learned APP and learned counsel for the complainant / respondent No. 2, have not disputed the facts mentioned in the compliance affidavit. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant- Mitesh Mahesh Pujara, in C.R. No. 24 of 2022 registered at Vishrambag Police Station, District Pune, for the offences punishable

under Sections 420 read with 34 of the IPC, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and cooperate with the investigation.

D) The prosecution/complainant is at liberty to file an application for cancellation of bail, if the affidavit-cum-undertaking is breached.

9. Interim Application is also disposed of.

[N.R.BORKAR, J.]