

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.222 OF 2023

Mohammad Imran Abbar Mohammad Hannan Abbar

Vs.

State of Maharashtra Through PSO City Kotwali, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. K. Jagirdar, Advocate for applicant.
Mr. I. J. Damle, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/06/2023

1. The present application is filed by the applicant/accused for seeking anticipatory bail in the event of his arrest in connection with Crime No.585/2022 registered with Police Station Kotwali for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of the police as crime was registered on the basis of report lodged by Vikram Singh Rajendra Singh Parihar. on 07.12.2022 the informant Vikram Singh Rajendra Singh Parihar has lodged report at City Kotwali Police Station, Amravati alleging that, he is serving as Assistant Manager in sales department of Bajaj Finance Company Limited. The head office of the said company is situated at Pune. The Branch office is at Amravati. As

per the policy of the company, the company is providing finance for two wheeler motorcycle purchasers and moped purchasers on condition that the purchaser shall repay the said loan by monthly installment. The company has appointed Sales Executive for executing the said policy. Co-accused namely Akshay Shantisagar Kilaji was serving as a Sales Executive in the Branch office. During July 2022 to September 2022, one person namely Mohanlal Kavarlal Sharma along with another person approached for the loan for two wheeler and submitted some documents. Co-accused Akshay has verified the said documents and sanctioned the loan for purchasing two wheeler of Rs.69,600/-. As per the agreement said Mohanlal was under obligation to repay the loan amount but as he has not paid the installments. They have searched for the Mohanlal Sharma and it revealed to them that no person by name Mohanlal Sharma is in existence on the basis of photograph. Investigation was carried out and it revealed to them that the photograph is of one Raju Mahadeo Waghmare. During inquiry further revealed that one person namely Imran has brought the Raju Waghmare obtained the signature and represented him as Mohanlal Sharma. Accordingly, after considering the documents the loan was sanctioned. It further reveals to the informant that said vehicle was delivered on the basis of said documents. Now, the said vehicle is also not traceable and these persons by

personation cheated the company. On the basis of report lodged by the informant, crime was registered.

3. It is the contention of the applicant that he was not at all concerned with the alleged offence. The documents produced on record are Pan Card and Aadhar Card showing photograph of one Raju Waghmare in the name of Mohanlal Sharma. The said Raju Waghmare himself has faced the camera and given fingerprints. Whatever activities are carried out by the said Raju Waghmare and he is not concerned the alleged activities. He is implicated merely on the suspicion. His physical custody is not required and hence he be released on bail in the event of his arrest.

4. The said application is strongly opposed by the State on the ground that present applicant Mohammad Imran is the person who brought the Raju Waghmare in the company and represented him as an Mohanlal Sharma. He has forged the said documents and produced the same and obtained the loan in the name of Mohanlal Sharma. The investigation regarding the vehicle and the manner in which the documents are forged is to be carried out, hence physical custody of the applicant/accused is required. Therefore, application deserves to be rejected.

5. Heard learned Counsel Mr. Jahagirdar for the applicant. He reiterated the contentions and submitted that absolutely there is no material on record to show that the applicant approached to the company along with Raju Waghmare and produced the documents. Absolutely there is no material to show that it is the applicant who has forged the documents, therefore physical custody of the present applicant is not at all required. He further submitted that co-accused Akshay Shantisagar Kilaji is already released on bail in the event of his arrest by the trial Court by imposing certain conditions. Thus, on the ground of parity also the present applicant be released on anticipatory bail in the event of his arrest.

6. Per contra, learned APP for the State submitted that from the investigation papers it reveals that, it is the applicant/accused who has brought Raju Waghmare by administering liquor and produced him as a Mohanlal Sharma. The present applicant is the person who forged the said documents and produced the forged documents. The present applicant/accused has produced the forged documents as a genuine documents and obtained the vehicle on loan and committed the offence. Therefore, *prima facie* material sufficiently shows the involvement of the present applicant with the alleged documents. He further submitted that the role attributed to the Akshay Shantisagar Kilaji is entirely

different and therefore, the ground of parity is not available to the present applicant. Hence, bail application deserves to be rejected.

7. Heard both the sides. Perused the investigation papers. From the investigation papers it reveals that the informant was serving as Assistant Sales Manager and co-accused Akshay Shantisagar Kilaji was serving as a Sales Executive in the Bajaj Finance. As per the policy of the company, company used to disburse the loan for purchasing two wheeler vehicles and purchasers were under obligation to pay the loan amount in installments. During investigation, the Investigating Officer has recorded the relevant statements of the witnesses and also seized the documents which shows that on producing the relevant documents the company used to disburse the loan to purchase the vehicle. From the recitals of the statements of the witnesses, it reveals that present applicant represented Raju Waghmare as a Mohanlal Sharma and produced his documents. The investigation regarding in what manner the documents are forged is to be carried out. More over, the recovery of the vehicle is yet to be carried out and the investigation regarding the whereabouts of the vehicle is also required to be carried out. At this stage, *prima facie* material against the present applicant reveals his involvement in the crime. No grounds are made out by the present applicant/accused to release him on

anticipatory bail in the event of his arrest. The role attributed to Akshay Shantisagar Kilaji and the present applicant is completely different and therefore, ground of parity is not available to the present applicant/accused.

8. In view of the above reasons, the application deserves to be rejected. Hence I proceed to pass the following order.

9. The application is hereby rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate