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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1424 OF 2023

Abhishek Machindranath Palve APPLICANT

VERSUS

The State of Maharashtra RESPONDENT

....
Mr. Vijay R. Gundecha, dvocate for the applicant
Mr. N. B. Patil, APP for respondent - State
....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.535 of 2023 registered with Shrigonda Police Station, District - Ahmednagar for offence punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. FIR is lodged by Sagar Sahebrao Lokhande, in short alleging that, in 2011, his neighbour Machindra Dattatray Shinde had taken his election identity card, one photo, ration card and specimen signature on form of a private bank saying that he was in need of loan for purchase of pokland machine and one surety

is needed for the same. After some days, Machhindra told the informant that he is not eligible to be a guarantor. Thereafter, informant asked him to return the documents, however he did not return. In the year 2018, when informant approached H.D.B. Finance Company for purchasing new Aiwa of Tata company, that time, it is informed to the informant that his CIBIL score is down and finance company cannot sanction loan to him. When informant inquired as to why his CIBIL is down, he came to know that loan was obtained in his name from Shriram Transport Company and he was shown as defaulter and due to that his CIBIL score was down. Informant has never taken loan from Shriram Finance Company nor he stood guarantor to anyone. Informant had received a notice in the year 2019 asking him to deposit arrears of loan of Rs.10,90,860/-. At that time, informant came to know that somebody had obtained loan in his name. After making inquiry and verifying documents, he came to know that Machindra Dattatray Shinde has misused the documents taken from him in 2011 in collusion with bank officers, including law officers and informant is shown as guarantor of the loan amount which was sanctioned to Machhindra Shinde. Later on in the year 2013, informant is shown as debtor and finance company issued notices to him from time to time and pressurized and mentally harassed him.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. From the investigation papers, it appears that there was mistake on the part of employees of Shriram Finance Company Limited, while entering data of the loan given to Sunita Machchindra Shinde and Machhindra Shinde, to which informant was in fact guarantor. Said fact is clear from the statement of Mahendra Khopde, Manager of Shriram Finance Company Limited, Shrigonda. Finance Company has corrected their record and have issued No Dues Certificate in favour of informant. The entries are corrected in their system. Thus, it *prima facie* appears that due to wrong data entry, loan was shown outstanding against informant. Corrective steps are taken and that mistake is rectified. Investigation pertains to documents, which are already seized by the Investigating Officer and custodial interrogation and / or detention of applicant is, therefore, not necessary, in the facts of the present case.

5. Applicant was granted interim protection and he has co-operated in the investigation. Application is, therefore, allowed by confirming interim protection grated to applicant on 30th August, 2023. Till filing of the charge sheet, applicant shall

attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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