



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2112 OF 2023

SHASHANK PRALHAD MIRGE
VERSUS
THE STATE OF MAHARASHTRA

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Ms. Sushama T. Jadhav, Advocate h/f Mr. Prashant D. Suryawanshi,
Advocate for Applicant
Mr. A.R. Kale, APP for Respondent/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.68/2023, registered with Beed Gramin Police Station, Beed, for offence punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Kaustub Arun Aute, a lawyer, alleging that Ramesh Mirge is builder by profession and he is running his business by name Sarvesh Builders and Developers. For construction of 58 row houses on Gat No.86, situated at village Palwan, Beed, he obtained loan of Rs.4,15,00,000/- from Chhatrapati Rajarshi Urban Co-operative Credit Society, Market Yard, Branch Beed. To secure said loan, Ramesh Mirge mortgaged said property to the Bank. After construction of row houses, he sold 22 row houses by enclosing forged NOC of the Bank and executed sale deeds. It is alleged that informant paid consideration amount of

Rs.22,00,000/- to accused Ramesh, who in collusion with applicant and Sub-Registrar, registered the sale deed of informant. As per condition No.16 of mortgage deed, accused persons failed to deposit Rs.10 lakh or 50% amount of each row house in the Bank for obtaining release deed. As accused failed to comply with condition of mortgage deed, on 27/12/2021, informant received notice from said Bank for constructive possession. Therefore, informant inquired with accused Ramesh Mirge, he informed that due to lock-down in COVID pandemic, he is in financial crises, and therefore, he failed to pay loan installments to the Bank. He assured informant to repay the loan amount. But he failed to do so.

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

4. Charge-sheet is filed against three accused persons in present crime on 28/02/2024 and the case is numbered as R.C.C. No.128/2024. Accused No.1 Ramesh Mirge is uncle of applicant who is a builder. He was arrested on 04/01/2024 and is released on regular bail by the trial Court, vide order dated 06/03/2024. It appears that applicant was working along with his uncle as an employee. Except this, there does not appear any material showing involvement of applicant in present crime.

5. Considering the fact that *prima facie* there is hardly any

material to connect applicant to present crime and since charge-sheet is already filed, pre-trial custodial detention of applicant is not necessary.

6. Hence, the application is allowed.

7. In the event of arrest of applicant in connection with C.R. No.68/2023, registered with Beed Gramin Police Station, Beed, for offence punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code, applicant be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

(NITIN B. SURYAWANSHI, J.)