

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 149 OF 2024

Manjit Kaur Anand

..Applicant

Versus

State of Maharashtra

..Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Pradeep Havnur a/w. Sanjay Kharat, Shreyas Chaudhari, for
the Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

**CORAM :SARANG V. KOTWAL, J.
DATE : 27th FEBRUARY, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection
with C.R.No. 657 of 2023, registered at M.H.B. Colony Police
Station, Mumbai, on 15.12.2023 under Sections 406, 419, 420,
465, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Pradeep Havnur, learned counsel for the
applicant and Ms. Mahalakshmi Ganapathy, learned APP for the
State.

3. The F.I.R. is lodged by one Ashok Sonune. He was

working as Assistant General manager with the State Bank of India. His office was at Borivali (W). He was in charge of Retail Assets Centralize Processing Cell. His office was looking after the disbursement of home loan, education loan and recovery of those loans. The subject matter of this F.I.R. is the home loan taken by one Vasant Patankar. The application for loan was accompanied by certain documents including a registered sale deed between Vasant Patankar as the purchaser and the present applicant as the seller of Flat No.303, Horizon Heights, Amboli, Andheri (W). Based on the various documents and after following the due procedure the loan to the tune of Rs.1,50,00,000/- was sanctioned. A cheque dated 28.02.2023 issued in the name of the applicant for that amount was given in possession of Vasant Patankar. It was deposited in the applicant's bank account maintained with the Axis bank, Malad. Subsequently, only one installment of Rs.1,26,500/- was paid and thereafter no installment was paid. Therefore, on 09.07.2023 the account was declared as N.P.A. The bank officers made enquiries. They came to know that the said flat was never sold by the Applicant to Shri. Patankar. The entire fraudulent transaction was

carried out with the help of Piyush Shah, Urvil Shah, Vasant Patankar and Raghvendra Pujari. According to the first informant, the amount of loan was used by all these persons and also by the present applicant. The enquiry further revealed that while registering the sale deed the applicant was not present and in her place some impostor had remained present. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant is 72 year old lady. She is a victim in the entire episode. She wanted a loan to the tune of Rs.10 lakhs. The other accused promised to get that loan on the basis of her documents regarding the same flat. Those documents were used for opening a bank account in the Axis bank. Subsequently, she received a notice from the Stamp office regarding the registered sale deed and deficit stamp fees paid during registration. At that time, she realized that she was a victim of a larger conspiracy. Therefore, she had made her own complaint with the police authorities regarding the same transaction. The Sub Registrar Parimal Vardam lodged the F.I.R. vide C.R.No.485 of 2023 at Vile Parle police station for cheating

and forgery because an impostor had remained present in place of the present applicant at the time of the registration of the sale deed.

5. Learned counsel submitted that the applicant has played no role in obtaining the loan amount and disbursing that amount to the other accused. There are six other offences registered against the co-accused Pujari and this is his modus operandi; to which the applicant has fallen prey. He, therefore, submitted that the applicant needs to be protected U/s.438 of the Cr.P.C.

6. On the last occasion i.e. on 18/01/2024, I have considered these submissions and I had granted ad-interim relief to the Applicant and I had directed her to attend the concerned Police Station on 05/02/2024, 07/02/2024 and 09/02/204. She had attended the said Police Station on 05/02/2024 and on the other two occasions, the Investigating Officer told her that it was not necessary to attend the Police Station. Thus she had co-operated with the investigation. After interacting with the Applicant, the Investigating Officer is of the opinion that her

custodial interrogation is not necessary. Learned APP makes this statement on the basis of the instructions provided by the Investigating Officer. Considering this situation, the Applicant who is 72 years old can be protected under section 438 of Cr. P.C. Hence the following order.

ORDER

- (i) In the event of her arrest in connection with C.R. No. 657 of 2023 registered at M.H.B. Police Station, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)