

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 201 OF 2024

Wilson Peter Nadar	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Neeraj Yadav, for the Applicant.
Ms. Gauri Rao, APP, for the Respondent-State.

CORAM : N. J. JAMADAR, J.
DATE : 7th May, 2024

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for bail in connection with C. R. No. 343 of 2023, registered with Dadar Police Station for the offences punishable under Sections 420, 406, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The first informant, a manager in Punjab & Sind Bank, Prabhadevi Branch, lodged a report with allegations that Rani Durairaj Perinaba, the co-accused, who worked as a loan agent had submitted a proposal for car loan on behalf of a customer Aman Vashist, the accused no. 4. On said proposal, an amount of Rs. 10,40,000/- was credited to the account indicated in the document submitted along with the loan proposal. The bank was represented that the car was to be purchased from the one 'Sharayu Motors' and

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the quotation and other documents were furnished by Sharayu Motors.

4. After the release of the loan amount, the accused no. 4 was repeatedly called to furnish the sale letter and receipt from Sharayu Motors. As the accused no. 4 did not furnish those documents, enquiry was conducted. It transpired that the accused no. 1-Rani Durairaj and accused no. 4 Aman Vashisht-the customer, in pursuance of a conspiracy had submitted false and forged documents and the applicant was shown as the proprietor of Sharayu Motors and the amount disbursed by the bank was credited to the account of the applicant.

5. The learned Counsel for the applicant submitted that out of the amount of Rs. 10,40,000/- which was credited to the account provided in the loan documents, a sum of Rs. 1,00,000/- has been recovered. A substantial portion of the amount credited to the account of the applicant got transferred to the account of other persons. Investigation is complete. The applicant has been in custody since 31st August, 2023. Further detention of the applicant is not warranted.

6. Learned APP resisted the application. It was submitted that the bank was defrauded in a systematic manner. Attention of the Court was invited to the fact that three more crimes of identical

nature have been registered against the applicant.

7. The learned Counsel for the applicant submitted that in rest of three crimes, the applicant has already been released on bail. Those crimes were registered against the applicant subsequent to the arrest of the applicant in the instant crime. The learned Counsel for the applicant, on instructions, further submitted that the applicant is willing to deposit a sum of Rs. 5,00,000/- before the Court of the learned Magistrate, if reasonable time is granted to the applicant.

8. The offences revolve around documents. It appears that in the course of investigation, those documents have been seized. Investigation seems to be complete for all intent and purpose. The offences are triable by magistrate. Thus, further detention of the applicant does not seem to be warranted. Since the applicant has shown his willingness to deposit a sum of Rs. 5,00,000/-, which in a sense, constitutes public money, it may be expedient to release the applicant on bail subject to deposit of the said amount. Thus, I am inclined to exercise discretion in favour of the applicant.

9. Hence the following order:

Order

(I) The application stands allowed.

(II) As undertaken, the applicant shall deposit a sum of Rs. 5,00,000/- in the Court of learned

Metropolitan Magistrate 5th Court Dadar exercising jurisdiction over Dadar Police Station within a period of one month from the date of his release.

(III) Subject to aforesaid deposit, the applicant Wilson Peter Nadar be released on bail in C. R. No. 343 of 2023 registered with Dadar Police Station for the offences punishable under Sections 420, 406, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.

IV) The applicant shall mark his presence at Dadar police station on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial, whichever is earlier.

V) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

VI) The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

VII) The applicant shall regularly attend the

proceedings before the jurisdictional Court.

VIII) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

IX) Application stands disposed of.

(N. J. JAMADAR, J.)