

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

CR. ANTICIPATORY BAIL APPLICATION NO. 332 OF 2024

Ramakant Dinkar Bhatle ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Prashant K. Aher a/w. Adv. Vipul Patil for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J

DATED : 6th FEBRUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C. R. No. 885 of 2023 registered at Oshiwara Police Station, dated 27/09/2023 u/s. 406, 409, 420 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Aher, learned counsel for the Applicant and Ms. Dabholkar, learned APP for the Respondent-State.
3. The FIR is lodged by the Bank Manger of Bank of India, Jogeshwari Branch, Anil Kumar. He had stated that on 12/10/2020, the Applicant approached their branch. He wanted a loan on deposit of gold. Therefore, a valuer Sapna Kumar Bhatt was asked to test that gold. She gave the valuation and the total valuation for the gold was more than Rs.7,50,000/-. The Applicant was sanctioned two loans for Rs.3,20,000/- and Rs.2,42,000/-

respectively. The loans were sanctioned on 10/12/2020. He was disbursed that loan. The Applicant repaid Rs.70,302/-. Thereafter, he did not deposit any installments. The bank officer got suspicious. Therefore, they called another valuer - Bafna on 22/04/2022. He gave a report that the gold was duplicate. It was not genuine. After that the Bank tried to contact Sapna Bhatt but she was unreachable. The complainant was convinced that the bank was cheated and therefore, this FIR is lodged.

4. Learned Counsel for the Applicant submitted that the gold was given to the Applicant by his friend Bhosale and on his behalf the Applicant had obtained the loan. As soon as the money was deposited in the Applicant's bank account, it was withdrawn and given back to Bhosale by the Applicant and therefore, the Applicant is not the real offender but the said Bhosale is the real culprit. He submitted that there are other offences against Bhosale and Sapna Bhatt. The Applicant was used by both of them to commit this offence. He further submitted that therefore, his custodial interrogation will not be fair.

5. Learned APP submitted that the loan was taken by the Applicant. He knowingly deposited the fake gold with the bank and obtained the money. He has not co-operated with the

investigation.

6. I have considered these submissions.

7. There is no force in the submissions of learned Counsel for the Applicant that the main beneficiary is Bhosale. The Applicant had applied for the loan. He had deposited the gold. He had withdrawn the money. Therefore, his participation in the offence is more than obvious. The custodial interrogation of the Applicant is necessary. No case for grant of any relief is made out.

8. The Application is rejected.

(SARANG V. KOTWAL, J.)