IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.412 OF 2024

Amit Shankar Surve .... Applicant
versus
State of Maharashtra .... Respondent

…….

- Mr. Kuldeep S. Patil a/w Mr. Ashish Kumar Srivastava i/b. Jitendra K. Rathod, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.499/2022, dated 16/08/2023, registered with MIDC Police Station, Mumbai, under sections 465, 467, 468, 471, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Kuldeep S. Patil, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Siddharth Bandivadekar. He was working in SVS Bank, Andheri (E) branch. He was managing the entire branch. A part of his duty was to get more

deposits in the bank and to inform the customers about the schemes regarding loan. In November 2022 one Tulshiram Naik approached him. He had a saving account in Santacruz (W) branch of that bank. He called one of the bank officers Rohan Pai and asked whether he could get loan on LIC Policy. Rohan Pai had told him that it was possible. Tulshiram Naik submitted a LIC policy No.885099827 started on 20/07/2009 and the surrender value was Rs.74,53,904/-. It was valid upto 20/07/2024. He had requested for loan of Rs.63 lakhs on that policy. Tulshiram was granted loan of Rs.60 lakhs. Tulshiram told the bank officers that he knew one Kumar. He could complete the documentation for mortgaging that policy by approaching the LIC office in Bhandup. On 15/11/2022 accordingly one Mahendra Solanki went with Kumar to the LIC Office at Bhandup. Mahendra Solanki was an employee of the complainant bank. On 16/11/2022 Mahendra Solanki brought back that policy. After it was received, the loan was processed and it was actually sanctioned and it was deposited in the overdraft account of Tulshiram in the informant's bank on

17/11/2022. In June 2023 the Zonal Office of the bank sent an email to the informant's branch to verify the authenticity of LIC policies based on which the loans were disbursed. In the informant's bank there were 12 such loans. The informant sent Mahendra Solanki for verification of that policy on 04/07/2023. On the next day, the LIC officers informed the informant through a letter that the said policy of Tulshiram Naik was not given from their branch and it was given from LIC Branch at Mulund. The record showed that the said policy number was in the name of Vishnu Gupta. The policy submitted to the informant's bank was thus forged. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. There is no evidence against him. The main co-accused Tulshiram and other accused are granted anticipatory bail in the Sessions Court.

5. Learned APP strongly opposed these submissions. According to her, the investigation has revealed exact role of the present Applicant. During the investigation, the statement of the

co-accused Tulshiram Naik and Wilson Nadar were recorded. This has established link of the present Applicant with the offence. She submitted that there are three similar antecedents against the Applicant. They are C.R.No.272/2023 registered with Ratnagiri police station, C.R.No.531/2023 registered with Samata Nagar police station, C.R.No.343/2023 registered with Dadar police station. All these offences were similar in nature. The Applicant is absconding in all the three offences as well as in connection with the investigation of the present offence. She therefore strongly opposed grant of any relief to the Applicant.

6. I have considered these submissions. The statement of Tulshiram shows that he obtained the loan fraudulently. For that purpose he had taken help of Wilson Nadar, who is also a co-accused in this case. Nadar on the other hand has stated that in October 2022 the present Applicant had given a forged LIC policy to Tulshiram. It was given by Tulshiram to the informant Bandivadekar. When the informant sent that policy to the LIC office at Bhandup, one Kumar accompanied the bank employee

Mahendra Solanki and he managed false verification of the policy. That is how the offence was committed. Thus, it is quite clear that the Applicant was instrumental in creating that forged LIC policy. Therefore, his role is quite serious. There are three similar antecedents against the Applicant. He is not available. His custodial interrogation is necessary to find out his involvement in other similar offences, the modus operandi in the present offence and to find out other associates. The offence is quite serious. The public money is involved. LIC policy is forged. Though the co-accused Tulshiram is granted relief, from discussion above it is clear that the Applicant is involved in many such cases and he was the main accused who had actually forged the concerned document. In this view of the matter, it is not possible to protect the Applicant u/s 438 of Cr.PC. His custodial interrogation is necessary. The application is rejected.

(SARANG V. KOTWAL, J.)