IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1205 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 219 OF 2024

Rajesh Sadanand Pawar ...Applicant
vs.
The State of Maharashtra ...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2539 OF 2023

Utkarsha Sanjay Pawar ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Vikrant V Phatak, for the Applicant
Mr. Anurag Rajendra Kulkarni, for the intervenor in IA/1205/2024.
Mr. Tanveer Khan, APP, for the Respondent-State.
Mr. Santosh Awati, API, EOW, Raigad.

CORAM : N. J. JAMADAR, J.
DATE : April 30, 2024

P.C.:

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

2. By an order dated 2nd April, 2024, the interim protection granted to the applicant was vacated as the applicant failed to deposit the amount as undertaken on 27th February, 2024 on the strength of which the interim bail was granted.

3. The applicant seeks pre-arrest bail in connection with C.R No. 198 of 2023, registered at Mahad City police station, for the

offences punishable under Sections 420, 465, 466, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

4. Mr. Devendra Danis, senior manager of Dombivali Nagri Sahakari Bank Limited, Mahad branch lodged a report with the allegations that the employees of the bank posted at Mahad Branch, in connivance with the gold valuer Mr. Vilas Sagvekar and others, had advanced gold loans to as many as 395 borrowers by accepting fake ornaments and certifying the said ornaments to be made of gold, prepared valuation reports and other documents. The applicant, who is named at Serial No. 214 of the first information report, had availed a gold loan of Rs. 1,97,000/-.

5. Since public money is involved and the the applicant had undertaken to deposit a sum of Rs. 1,97,000/- which he had allegedly availed by pledging the fake gold ornaments, this Court had granted interim protection to the applicant. Despite ample opportunity, applicant could not honour the said commitment. Eventually, the interim protection came to be vacated.

6. Having regard to the nature of the accusation, it is inconceivable that the applicant could avail the loan without being aware that the gold he had pledged was fake. Thus, no case for exercise of discretion is made out, especially in the light of the fact that after making the Court believe that applicant would deposit the

amount of Rs. 1,97,000/-, he failed to deposit the amount and in the intervening period enjoyed the protection from arrest, which jeopardised the interest of fair and effective investigation.

7. Hence, the following order:-

<u>ORDER</u>

I) The application stands rejected.

II) In view of the rejection of the ABA, the Interim Application also stands disposed.

III) It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)