IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.985 OF 2024

Shubham Eknath Darwatkar .... Applicant

versus

State of Maharashtra .... Respondent

…….

- Mr. Suryakant B. Chaudhari a/w Chaitanya Bagul a/w Vishal Waghmare i/b. Sachin Gholap, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.37/2024, dated 19/01/2024, registered with Sinhagad Police Station, Pune City, under sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Heard Mr. Suryakant B. Chaudhari, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Meghnad Bodas working with Prerna Co-op. Bank Ltd. Pune. The Applicant had approached their bank for getting vehicle loan to the tune of Rs.27 lakhs. He had made that application on 27/10/2021. He had submitted certain documents with the informant including his business papers. The documents were concerning his guarantors. Importantly there were the documents of the showroom from where he was to purchase that vehicle. The bank officers verified those documents and sent them for sanctioning of the loan to the Head Office. The loan was sanctioned. The other documents in the form of promissory note, agreements etc. were executed and the loan amount of Rs.22 lakhs was transferred in the Applicant's savings account. From there, the amount was transferred through a cheque in the name of M/s. Max Automotive, Senapati Bapat Road, Shivaji Nagar, Pune. The amount was transferred in the account maintained with Yes bank in the name of M/s. Max Automotive through RTGS on 23/11/2021. In August 2022, the loan account was due for the payment of installments. Therefore, enquiry was conducted. It was found that the Applicant had stood as a guarantor to

another loan transaction for a vehicle loan in the name of one Nikhil Salunke in 2022. The same Nikhil was sanctioned loan of Rs.16 lakhs on 03/02/2022. The enquiry revealed that Salunke and the Applicant both had acted fraudulently and the amount sanctioned in the name of the present Applicant was transferred in a fraudulent account. The Applicant had never booked any vehicle. There was no vehicle purchased by the Applicant. The entire amount was fraudulently misappropriated. Nikhil and the Applicant together committed fraud to the tune of Rs.38 lakhs. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that Applicant is a victim. He himself has deposited more than Rs.9 lakhs in repayment of the loan. He is not a beneficiary. He has not received the vehicle.

5. Learned APP opposed these submissions and produced the investigation papers before me. Significantly, there is a letter issued by the Manager of M/s. Max Automotive. That letter clearly mentions that their showroom had not issued any

quotation in the name of the present Applicant. No vehicle was sold to the Applicant. No invoice was given to the Applicant. They did not have any account in the Yes bank.

6. I have considered these submissions. The letter issued by the Manager of the showroom speaks for itself. There is sufficiently strong incriminating material against the present Applicant. It was a clear fraud played on the bank by the Applicant and Nikhil. By no stretch of imagination can the Applicant be called the victim in this case. He has misappropriated the amount given to him. It was transferred in a fraudulent account. The Applicant's role is clear. The Applicant's custodial interrogation is absolutely necessary. No case for grant of anticipatory bail u/s 438 of Cr.P.C. is made out. The application is rejected.

(SARANG V. KOTWAL, J.)