

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

CRI. ANTICIPATORY BAIL APPLICATION NO.297 OF 2020

Meenu Mohan	..Applicant
Vs.	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL APPLICATION NO. 109 OF 2020
WITH
CRIMINAL APPLICATION NO. 72 OF 2021
WITH
CRIMINAL APPLICATION NO. 71 OF 2021
WITH
CRIMINAL APPLICATION NO. 73 OF 2021**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL APPLICATION NO. 9 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Yogesh Vyanketesh Aathale	...Respondent

**WITH
INTERIM APPLICATION NO. 1446 OF 2023
IN
CRIMINAL APPLICATION NO. 9 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Yogesh Vyanketesh Aathale	...Respondent

**WITH
CRIMINAL APPLICATION NO. 22 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Dayanand Mohanrao Chavan	...Respondent

**WITH
INTERIM APPLICATION NO. 1450 OF 2023
IN
CRIMINAL APPLICATION NO. 22 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Dayanand Mohanrao Chavan	...Respondent

**WITH
CRIMINAL APPLICATION NO. 21 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Devendra Prakash Bhuskute	...Respondent

**WITH
INTERIM APPLICATION NO. 1451 OF 2023
IN
CRIMINAL APPLICATION NO. 21 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Devendra Prakash Bhuskute	...Respondent

**WITH
CRIMINAL APPLICATION NO. 10 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Abhaysingh Vitthalrao Bhosale	...Respondent

**WITH
INTERIM APPLICATION NO. 1441 OF 2023
IN
CRIMINAL APPLICATION NO. 10 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Abhaysingh Vitthalrao Bhosale	...Respondent

**WITH
CRIMINAL APPLICATION NO. 01 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Shekhar Shivaji More	...Respondent

**WITH
CRIMINAL APPLICATION NO. 20 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Nanda Anil Mehandale & Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 1456 OF 2023
IN
CRIMINAL APPLICATION NO. 20 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Nanda Anil Mehandale	...Respondents

**WITH
CRIMINAL APPLICATION NO. 11 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Hamangi Suresh Shenvi and Ors.	...Respondents

**WITH
INTERIM APPLICATION NO. 1461 OF 2023
IN
CRIMINAL APPLICATION NO. 11 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Hamangi Suresh Shenvi	...Respondent

**WITH
CRIMINAL APPLICATION NO. 19 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Tushar Pundalik Chopde	...Respondent

**WITH
INTERIM APPLICATION NO. 1454 OF 2023
IN
CRIMINAL APPLICATION NO. 19 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Tushar Pundalik Chopde	...Respondent

**WITH
CRIMINAL APPLICATION NO. 02 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Satyanarayan Devkaran Sain	...Respondent

**WITH
CRIMINAL APPLICATION NO. 23 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Rajaram Krishna Nalawade	...Respondent

**WITH
INTERIM APPLICATION NO. 1458 OF 2023
IN
CRIMINAL APPLICATION NO. 23 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Rajaram Krishna Nalawade	...Respondent

**WITH
CRIMINAL APPLICATION NO. 8 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Shivaji Bhagwat Waghmare	...Respondent

**WITH
INTERIM APPLICATION NO. 1440 OF 2023
IN
CRIMINAL APPLICATION NO. 8 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Shivaji Bhagwat Waghmare	...Respondent

**WITH
CRIMINAL APPLICATION NO. 12 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Shital Dayanand Chavan and Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 1459 OF 2023
IN
CRIMINAL APPLICATION NO. 12 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Shital Dayanand Chavan	...Respondent

**WITH
CRIMINAL APPLICATION NO. 13 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Chandrakant Jagganath Shelar	...Respondents

**WITH
INTERIM APPLICATION NO. 1455 OF 2023
IN
CRIMINAL APPLICATION NO. 13 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Chandrakant Jagganath Shelar	...Respondents

**WITH
CRIMINAL APPLICATION NO. 14 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Sanjay Bapusaheb Khot	...Respondent

**WITH
INTERIM APPLICATION NO. 1448 OF 2023
IN
CRIMINAL APPLICATION NO. 14 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Sanjay Bapusaheb Khot	...Respondent

**WITH
CRIMINAL APPLICATION NO. 15 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Dr. Vahida Dilkhush Tamboli	...Respondent

**WITH
INTERIM APPLICATION NO. 1457 OF 2023
IN
CRIMINAL APPLICATION NO. 15 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Vahida Dilkhush Tamboli	...Respondent

**WITH
CRIMINAL APPLICATION NO. 3 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Chandrakant Murlidhar Kadam	...Respondent

**WITH
CRIMINAL APPLICATION NO. 4 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Anuj Vasantao Patil and Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 1462 OF 2023
IN
CRIMINAL APPLICATION NO. 4 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Anuj Vasantao Patil	...Respondents

**WITH
CRIMINAL APPLICATION NO. 5 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Prabhawati Arvind Koli	...Respondent

**WITH
INTERIM APPLICATION NO. 1460 OF 2023
IN
CRIMINAL APPLICATION NO. 5 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Prabhawati Arvind Koli	...Respondent

**WITH
CRIMINAL APPLICATION NO. 6 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Akhtar Ramjan Mulla	...Respondent

**WITH
INTERIM APPLICATION NO. 1442 OF 2023
IN
CRIMINAL APPLICATION NO. 6 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Akhtar Ramjan Mulla	...Respondent

**WITH
CRIMINAL APPLICATION NO. 7 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Ramdas Gorakhanath Jadhav	...Respondent

**WITH
INTERIM APPLICATION NO. 1444 OF 2023
IN
CRIMINAL APPLICATION NO. 7 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Ramdas Gorakhanath Jadhav	...Respondent

**WITH
CRIMINAL APPLICATION NO. 27 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Kalyan Sitaram Divekar	...Respondent

**WITH
INTERIM APPLICATION NO. 1452 OF 2023
IN
CRIMINAL APPLICATION NO. 27 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Kalyan Sitaram Divekar	...Respondent

**WITH
CRIMINAL APPLICATION NO. 26 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Sarjerao Bhaskar Patil and Anr.	...Respondents

**WITH
CRIMINAL APPLICATION NO. 25 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Santosh Shankar Jambhale	...Respondent

**WITH
INTERIM APPLICATION (ST) NO. 7945 OF 2023
IN
CRIMINAL APPLICATION NO. 25 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Santosh Shankar Jambhale	...Respondent

**WITH
CRIMINAL APPLICATION NO. 28 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Abhijit Rajendra Patil	...Respondent

**WITH
INTERIM APPLICATION NO. 1447 OF 2023
IN
CRIMINAL APPLICATION NO. 28 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Abhijit Rajendra Patil	...Respondent

**WITH
CRIMINAL APPLICATION NO. 24 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Pankaj Bajirao Thorat and Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 1449 OF 2023
IN
CRIMINAL APPLICATION NO. 24 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Pankaj Bajirao Thorat	...Respondent

**WITH
CRIMINAL APPLICATION NO. 29 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Natha Rajaram Patil	...Respondent

**WITH
INTERIM APPLICATION NO. 1445 OF 2023
IN
CRIMINAL APPLICATION NO. 29 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Natha Rajaram Patil	...Respondent

**WITH
CRIMINAL APPLICATION NO. 30 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Anil Balasaheb Patil and Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 1463 OF 2023
IN
CRIMINAL APPLICATION NO. 30 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Anil Balasaheb Patil	...Respondent

**WITH
CRIMINAL APPLICATION NO. 31 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Naimahmad Ibrahim Mulla	...Respondent

**WITH
INTERIM APPLICATION NO. 1464 OF 2023
IN
CRIMINAL APPLICATION NO. 31 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Naimahmad Ibrahim Mulla	...Respondent

**WITH
CRIMINAL APPLICATION NO. 32 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Hanmantrao Sahebrao Chavan	...Respondent

**WITH
INTERIM APPLICATION (ST) NO. 7943 OF 2023
IN
CRIMINAL APPLICATION NO. 32 OF 2022**

M/s. GIC Housing Finance Ltd.	..Applicant
Vs.	
Hanmantrao Sahebrao Chavan	...Respondent

**WITH
CRIMINAL APPLICATION NO. 33 OF 2022**

State of Maharashtra	...Applicant
Vs.	
Tanaji Yashwant Mali	...Respondent

**WITH
INTERIM APPLICATION (ST) NO. 7942 OF 2023
IN
CRIMINAL APPLICATION NO. 33 OF 2022**

M/s. GIC Housing Finance Ltd.

..Applicant

Vs.

Tanaji Yashwant Mali

...Respondent

Mr. Mandar Goswami a/w. Mr. Samyak Bhatkar, for the Applicant in ABA/297/2020.

Mr. Sagar Sonawane with Adv. Umesh H. Pawar, for the Respondents No.9, 9a, 9b in Cri. Application No.109/2020.

Mr. Bhushan Deshmukh a/w. Adv. Vedant Bende, for the Respondent No.3 in Criminal Application No.73/2021.

Mr. S. S. Dwivedi for the Respondent No.7 in Criminal Application No.109/2020 and for the Respondent No.1 in Criminal Application No.5/2020.

Ms. Shraddha Pawar i/b. Mr. Nilesh Patil, for the Respondent No.10 in Cri. Appln No.109/2020.

Mr. Kuldeep Patil a/w. Mr. Nikhil Hire a/w. Sampada Patil, for the Respondent Nos.4 in Cri. Appln No.109/2020.

Mr. Girish Agrawal, for the Respondents No.3, 5, 5A, 12, 14, 14A, in Crim. Application No.109/2020, for the Respondents No.5 to 8 and 11 in Cri. Appln. No.72/2021, for the Respondent Nos.4 to 11 in Cri. Appln. No.71/2021.

Mr. Vikram Walawalkar a/w. Mr. Amey Sawant a/w. K. K. Khamkar, for the Respondents No.8, 8A, 8B, 8C in Cri. Appln. No.109/2020.

Mr. Vedant Dnyaneshwar Bende i/b. Bhushan Deshmukh, for the Respondent No.3 in Cri. Appln. No.73/2021.

Mr. Kedar Patil, for the Respondent No.3 in Cri. Appln. No.109/2020.

Mr. Arfan Sait, APP for the Respondent / State.

Police Head Constable, Vijay A. Jadhav, EOW, Kolhapur present.

Mr. Jayant Bardeskar, for the Respondent No.6 in Crim. Appln No.109/2020.

None for the Intervenor.

CORAM : R. N. LADDHA, J.

DATE : 20 MARCH 2024

P.C.

ANTICIPATORY BAIL APPLICATION NO.297 OF 2020

. The applicant, who is apprehending her arrest in C.R. No.884/2019, registered with Shahupuri Police Station, Kolhapur, for the offences punishable under Sections 408, 409, 406, 420, 465, 468 r/w. 34 of the Indian Penal Code, has filed the present application.

2. The FIR was lodged on 25 December 2019. The applicant, who serves as a Branch Manager of GIC Housing Finance Ltd. (GIC), had granted housing loans to eleven individuals for purchasing residential flats. These loans were based on documents provided by the borrowers, including a development agreement, a valuation report from empanelled valuers, an undertaking assurance from the developer, and a report from the company's sales agent. However, these borrowers failed to repay the loan amount along with interest in a timely manner. Consequently, a preliminary inquiry was initiated. The inquiry revealed that the actual area of the constructed or to be constructed residential flats was significantly smaller than what was indicated in the loan documents. The valuer had assessed the property based on an inflated area. The loan had been obtained by presenting a false completion certificate.

3. While the Anticipatory Bail Application No.4/2020 was pending, the Sessions Court granted the applicant interim protection. However, the application itself was later rejected by a common order dated 30 January 2020. The learned Judge, in rejecting the application, noted that the applicant, who held the position of a Manager, did not support the investigation. It is argued that the interim protection was granted during the pendency of the application. Additionally, it was asserted that the loan had been sanctioned by the head office. Furthermore, the applicant co-operated with the investigation, attending sessions with the investigating officer as required.

4. Upon perusal of the documents placed on record, it becomes evident that the offence took place in 2019. The charge sheet is prepared, and the investigating agency intends to file it within a couple of weeks. However, it is worth noting that the applicant, as candidly acknowledged by the learned APP, has co-operated by attending the sessions with the investigating officers on three occasions. These circumstances strongly suggest that the applicant's arrest in connection with the present crime is not necessary. Further, in unison, the learned counsel for the applicant and the learned APP submit that all other co-accused have been granted anticipatory bail.

5. Hence, the following order:

ORDER

- (i) In the event of arrest, the applicant – Meenu Mohan shall be released on bail in C.R. No.884/2019, registered with Shahupuri Police Station, Kolhapur, on executing a P.R. Bond to the extent of Rs.1 Lakh (Rupees One Lakh Only) on furnishing one or more sureties of the like amount;
- (ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper with the prosecution evidence;
- (iii) The applicant shall co-operate with the investigation and attend the police station, as and when required by the Investigation Officer, and to co-operate with the trial court for the expeditious disposal of the case;
- (iv) The applicant shall furnish the details of her residential address, along with mobile number, to the concerned Investigating Officer, and the learned trial court.

6. The application is allowed in the aforestated terms.

**CRIMINAL APPLICATION NO. 109 OF 2020
WITH
CRIMINAL APPLICATION NO. 71 OF 2021
WITH
CRIMINAL APPLICATION NO. 72 OF 2021
WITH
CRIMINAL APPLICATION NO. 73 OF 2021**

. These applications are preferred by GIC seeking cancellation of anticipatory bail granted to accused Nos.1, 4 to 11, 13, 16 to 24, 26 to 28, 30 to 33, 35, 38 to 43, 45 to 50 in C.R. No.884/2019, registered with Shahupuri Police Station, Kolhapur, by a common order dated 30 January 2020 passed by the Additional Sessions Judge, Kolhapur.

2. It appears that almost after a year, neither the learned APP nor the complainant have pressed these applications for cancellation of anticipatory bail and there seems to be no progress in these applications.

3. Earlier also, none appeared for the applicant / GIC. Today, when the matter is called out, none present for the applicant / GIC.

4. In view of this, the present Criminal Applications No.109/2020, 71/2021, 72/2021 and 73/2021 stand dismissed for want of prosecution.

CRIMINAL APPLICATION NO. 9 OF 2022
WITH
CRIMINAL APPLICATION NO. 22 OF 2022
WITH
CRIMINAL APPLICATION NO. 21 OF 2022
WITH
CRIMINAL APPLICATION NO. 10 OF 2022
WITH
CRIMINAL APPLICATION NO. 01 OF 2022
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CRIMINAL APPLICATION NO. 20 OF 2022
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CRIMINAL APPLICATION NO. 12 OF 2022
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WITH
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WITH
CRIMINAL APPLICATION NO. 6 OF 2022
WITH

**CRIMINAL APPLICATION NO. 7 OF 2022
WITH
CRIMINAL APPLICATION NO. 27 OF 2022
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CRIMINAL APPLICATION NO. 30 OF 2022
WITH
CRIMINAL APPLICATION NO. 31 OF 2022
WITH
CRIMINAL APPLICATION NO. 32 OF 2022
WITH
CRIMINAL APPLICATION NO. 33 OF 2022**

. These applications are filed by the State for cancellation of anticipatory bail granted by the learned Sessions Court to accused Nos.1, 4 to 11, 13, 16 to 24, 26 to 28, 30 to 33, 35, 38 to 43, 45 to 50 in C.R. No.884/2019, registered with Shahupuri Police Station, Kolhapur. The only grievance of the applicant, as of today, is that the observations made in the impugned order with regard to the allegations being civil in nature.

2. The learned APP, on instructions, informs the Court that the investigation is almost complete and the investigating agency will file the charge sheet in couple of weeks. The learned APP

fairly submits that all the accused / respondents have regularly reported to the investigating agency as and when called by them and co-operated with the investigation.

3. Taking into consideration the grievance of the learned APP, the learned trial Court shall decide the case on its own merits and in accordance with the law without being influenced by the observations made in the impugned order passed by the learned Sessions Judge. The accused have been under interim protection for about four years and are co-operating the investigation.

4. In view of this and the peculiar facts and circumstances of the case, these applications stand dismissed. As a sequel, the pending applications also stand disposed of.

R. N. LADDHA, J.