

Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.- 3401 OF 2023

WITH

INTERIM APPLICATION NO.534 OF 2024

Rajeev Tarit Biswas

... Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Sakshi Mane with Swati A. Singh i/b Rajeev Sawant and Associates, for Applicant.

Mr. Bapu Vitthalrao Holambe Patil, APP for State-Respondent No. 1.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th MARCH, 2024

PC:-

1) Heard the learned Counsel for the applicant and the learned APP for the State.

2) This application is preferred for bail in connection with CR No. 873 of 2022, registered with Pantnagar Police Station, Mumbai, for the offences punishable under Sections 120B, 409, 465, 467, 468 and 471 of the Indian Penal Code, 1860.

3) The indictment against the applicant and the co-accused is that during the period June, 2022 to August, 2022, while Vipul Patel, the co-accused, was posted as a Branch Manager at Rajkot Nagarik Sahakari Bank Ltd., the applicant and the co-accused in pursuance of a criminal conspiracy opened accounts with the said Bank and by forging documents obtained O.D. loan against the surrender value of the LIC policies which were also forged.

4) The learned Counsel for the applicant submitted that Vipul Patel, the principal accused, who had allegedly obtained forged and fabricated documents and, thereafter, got an overdraft facility sanctioned in the name of various borrowers, including the applicant, has since been released on bail. Likewise, other co-accused Mangesh Mhatre, Geetanjali Shrivastav, Irfan Shaikh, and Satyandra Srivastav have also been released on bail. The applicant is similarly circumstanced as the co-accused, who have been released on bail.

5) The learned APP resisted the prayer for bail. It was submitted that the applicant was one of the three LIC agents, who had produced forged documents to obtain loans for other co-accused and took commission from the said borrowers. It was

submitted that the applicant had then represented himself as Shivkant Mishra. Therefore, the applicant having played a major role in the conspiracy to defraud the Bank, does not deserve to be released on bail.

6) I have perused the material on record. Prima facie, Vipul Patel, the then Branch Manager of the said Bank, appears to be a principal confederate in the conspiracy to defraud the Bank. Vipul Patel had allegedly accepted false and fabricated documents and on the basis of those documents got the overdraft facility sanctioned in the name of the various borrowers. The role attributed to the applicant is that of bringing those borrowers and collecting his commission from them for the overdraft facility which was fraudulently obtained. Prima facie, it cannot be said that the role of the applicant is more grave than that of Vipul Patel.

7) In any event the applicant has been in custody since 21st December, 2022. The investigation seems to be complete. Charge-sheet has been lodged. Offences revolve around documents which appear to be in the custody of the Bank and/or the investigating agency. In the circumstances, further detention of the applicant does not seem warranted.

8) I am, therefore, inclined to exercise the discretion in favour of the applicant.

9) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 873 of 2022, registered with Pantnagar Police Station, Mumbai, for the offences punishable under Sections 120B, 409, 465, 467, 468 and 471 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at the Pantnagar Police Station, Mumbai, on the first Monday of every month between 10.00 am to 12.00 noon for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the witnesses and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

(vi) In view of dismissal of the Bail Application, the Interim Application also stands dismissed.

[N. J. JAMADAR, J.]