

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3802 OF 2022

Pravin Baburao Shinde	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Nitin Gaware Patil, for the Applicant.
Ms. Supriya Kak. APP, for the Respondent/State.
API Parvej Shikalqar, Wakad Police Station.

CORAM : N. J. JAMADAR, J.
DATE : MARCH 26, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking bail in C.R. No. 143 of 2022 registered at Wakad police station for the offences punishable under sections 406, 420, 465, 468, 471, 409 r/w.34 of Indian penal Code, 1860.
3. The first informant lodged the report with the allegation that the documents which were submitted by the Nandkumar Nimbalkar (accused No.1) to avail loan from South Indian Bank Limited, Wakad Branch were found to be forged. The forged documents were tendered with dishonest intent to get higher loan amount than the accused no.1 would have been otherwise eligible for. It is alleged that the applicant was working as a

consultant and the loan applications were processed through the applicant. The allegation is that the applicant was also instrumental in forging the documents to bolster up the financial position of the borrower.

4. The learned counsel for the applicant submitted that the borrower Nandkumar Nimbalkar (accused No.1) has been granted interim protection by this Court by an order dated 1st November, 2023 in Anticipatory Bail Application No.3080 of 2023. The Court had, inter alia, observed that the borrower had, in fact, cleared the entire loan amount under one time settlement scheme and a certificate to that effect had been issued by the South Indian Bank.

5. The Applicant has been in custody since 17th April, 2022. Investigation is complete and the charge-sheet has been lodged.

6. The question as to who is the author of the allegedly forged documents, would arise for adjudication at the trial. Since the borrower has settled the loan account and has also been protected by an interim order, I am inclined to exercise discretion in favour of the applicant.

7. Hence, the following order.

ORDER

I] The application stands allowed.

II] The applicant be released on bail in C.R. No. 143 of 2022 registered with Wakad police station, on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

III] The applicant shall mark his presence at Wakad police station on the first Monday of every alternate month between 11 am to 1 pm till conclusion of the trial.

IV] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

V] The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

VI] The applicant shall regularly attend the proceedings before the jurisdictional Court.

VII] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the 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.

VIII] Application stands disposed.

(N. J. JAMADAR, J.)