

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

ANTICIPATORY BAIL APPLICATION NO.209 OF 2024

Gurubirsingh Dharambirsing Lamba
and anotherApplicants
Versus
The State of Maharashtra Respondent

Dr. Uday P. Warunjikar, Advocate a/w. Sumit S. Kate, Sakshi
Inamdar, Aditya Kharkar, for the Applicants.
Smt. M.H. Mhatre, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th JANUARY, 2024**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.202/2023 registered with Deccan Police Station, Pune under Sections 420, 406, 465, 467, 471 read with 34 of IPC.

2. The gist of the FIR lodged by the CEO of the Bhagini Nivedita Co-operative Bank Limited, Pune, is that the Applicants had taken loan of Rs.50 Lakhs by mortgaging their flat No.D-503, Nivedita Terrace, Wanwadi, Pune. Subsequently it was revealed that on 28.7.2022 a re-

conveyance / release deed was registered with the Sub-Registrar using forged letterhead, seals and documents of the bank. The imposters were made to stand for registration. On this basis, the FIR is lodged.

3. Learned counsel for the Applicants submitted that somebody else had committed this offence on the pretext of getting loan from the bank. The Applicants were not aware of the registration of any such fraudulent release deed. This is evident from the fact that the Applicants continued to make payment of EMI till 31.8.2023. The actual release deed was executed and registered on 5.9.2023 and thereafter the flat was sold on 11.9.2023. He submitted that if the Applicants were aware or had any connection with the fraudulent release deed they would not have continued to pay the EMIs for about a year.

4. Considering these submissions, the investigating agency will have to respond to these submissions. Therefore, today at the instance of learned APP, since the investigating officer is not present, I am adjourning the

matter. However, learned counsel for the Applicants has made out a case for grant of ad-interim relief. However, the Applicants will have to cooperate with the investigation.

5. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R.No.202/2023 registered with Deccan Police Station, Pune, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) This order shall operate till 5.3.2024.
- (iii) The Applicants shall attend the concerned Police Station from 12.2.2024 to 15.2.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. They shall cooperate with the investigation.
- (iv) Stand over to 5.3.2024.

(SARANG V. KOTWAL, J.)