

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

ANTICIPATORY BAIL APPLICATION NO.209 OF 2024

Gurubirsingh Dharambirsing Lamba & Anr. Applicants

versus

The State of Maharashtra Respondent

.....

- Mr. Sumit S. Kate a/w Shashank Patore a/w N. G. Kamble,
Advocate for Applicants.
- Mr. Vithal B. Konde-Deshmukh, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JUNE, 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 a loan of Rs.50 Lakhs by mortgaging their flat No.D-503, Nivedita Terrace, Wanwadi, Pune. Subsequently, it was

revealed that on 28/07/2022 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. On the previous occasion i.e. on 25/01/2024, this Court had protected the Applicants by way of ad-interim relief and they were directed to cooperate with the investigation. Today, the Investigating Officer is present before the Court and

he makes a statement that the Applicants have attended the police station and cooperated with the investigation. Learned APP on instructions and on the basis of investigation carried out so far submits that the fraudulent release deed dated 28/07/2022 was not acted upon in further sale transaction of the said flat and the investigation has not revealed any role played by either of the Applicants in creating that forged release deed. On instructions, the learned APP submits that it would be sufficient if the Applicants are directed to cooperate with the investigation in future.

5. Considering the submissions made on behalf of both the sides, the Applicants can be protected u/s 438 of Cr.P.C. They will have to cooperate with the investigation.

6. 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, the Applicants are directed to be

released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation in future as well.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)