

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

ANTICIPATORY BAIL APPLICATION NO. 1363 OF 2024

Mahesh Subhash Ghate/Gate ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Adv. Rachit Khamparia a/w Narendra Sharma for the Applicant.
Mr. Babu V. Holambe-Patil, APP for Respondent No.1-State.
Mr. Aniket Kamble i/by Mr. Onkar Warange for Respondent No.2.
Mr. Arjun Pawar, API, Wakad Police Station.

**CORAM: MANISH PITALE, J.
DATE : 11th OCTOBER 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State, as also the learned counsel having instructions to appear on behalf of respondent No.2.

2. A perusal of the record shows that, as far back as on 9th July 2024, this application for anticipatory bail was taken up for consideration. On the said date, the following order was passed :

“ Heard learned counsel for the applicant and learned APP for respondent-State.

2. During the course of arguments, the learned counsel for the applicant submitted that as per the bank account statement placed on record, an amount about Rs.10 lakhs has been already returned to the concerned bank and that the applicant is ready to repay the balance amount on the basis of a schedule that would be tendered before this Court.

3. The allegations in the present case are serious and the learned APP is justified in opposing the prayer for granting anticipatory bail.

4. Nonetheless, considering the specific contention raised on behalf of the applicant, it would be appropriate that the informant i.e. the officer of the aggrieved bank is made party-respondent No.2 in this application.

5. Accordingly, leave is granted to the applicant to amend the application to add the informant as respondent No.2. Amendment be carried out by tomorrow i.e. 10th July 2024.

6. Issue notice to the newly added respondent No.2, returnable on 22nd July 2024. To be placed High on Board.”

3. Subsequently, the application was amended and it was expected that the applicant would proceed with alacrity to sincerely follow up the submissions made before this Court that he was ready to repay the balance amount to respondent No.2, on the basis of a schedule that would be tendered before this Court.

4. Thereafter, this application was listed for consideration on 23rd September 2024. On the said date, there was no appearance on behalf of the applicant. The learned counsel appearing for the respondent No.2 on the said occasion, made a specific grievance that the respondent No.2 had not been served with a copy of the papers pertaining to the present application. Hence, this Court adjourned the hearing to today, with a specific direction that copy of the application would be served on respondent No.2 within one week from the date of the said order. It was made clear that there was no interim order in the application.

5. Today, when the application is called for hearing, the learned counsel for the respondent No.2 reiterates the grievance that copy of the application has not been served, even till date.

6. The learned counsel for the applicant has no clear instructions about the manner in which the submissions made before this Court on 9th July 2024, would be made good. The applicant has not cared to make any such proposal to the respondent No.2, which is a cooperative bank, in order to settle the dispute.

7. It appears that the present application is simply kept pending, so that the Investigating Authority can be kept at bay on the ground of the pendency of the present application.

8. Even otherwise, this Court has perused the statement of the informant, who is Branch Manager with respondent No.2-bank. The contents of the statement, leading to registration of the FIR, do make out a *prima facie* case against the applicant with regard to the offences registered in the present case.

9. In view of the above, the application is dismissed.

MANISH PITALE, J.