IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.261 OF 2024

Iman s/o Abdul Rahim Khan
Vs.
State of Maharashtra, Through Police Station Officer, Police Station, Dhantoli, Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. G. S. Gour, Advocate for applicant.
Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/06/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.74/2024 registered with Police Station, Dhantoli, District Nagpur for the offences punishable under Sections 419, 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the accusation against the present applicant is that the Manager of the Maharashtra State Co-Operative Bank Limited, Dhantoli lodged the report alleging that initially the First Information Report was registered against the present applicant. During the investigation it revealed that one Mr. Kishor Dange visited the Bank to open a new saving account and provided requisite documents. It further revealed that Mr. Kishor Dange submitted the

Aadhar Card and residential proof and Pan Card as proof of identity. But the said documents were appears to be forged documents created in the name of said Mr. Kishor Dange and with the utilization of the same, the applicant has opened a Bank account. It further revealed that subsequently the another account was opened in the name of Nisha Rajkumar Jaju and the passbook and the cheque book of her was seized from the house of the co-accused. During the investigation, it revealed that it is the present applicant who has prepared the forged document and opened the accounts in various banks by using the said forged documents. On the basis of the same, the crime was registered against the present applicant.

3. Learned Counsel for the applicant submitted that the applicant is not at all involved in the alleged offence. He was purchaser and he was not concerned about the false and forged execution. It is further submitted that as far as the Investigating Officer who had collected the material is concerned, merely on the basis of the statement of the co-accused, the present applicant is implicated. Nothing is recovered from the present applicant, his custodial interrogation is not required, in view of that he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the present applicant

is having criminal antecedents, similar type of the offences are registered against him under Sections 419, 420, 465, 467, 468 of the Indian Penal Code. Considering the *modus operandi* of the present applicant, the provisions of the MCOC Act are applying against the present applicant. He further submitted that the applicant along with the other co-accused hatched the conspiracy with intention to chit and committed an illegal act and prepared the forged document. He has not only created the single account, but the Investigating Officer has received the chain of the said crime committed by the applicant in various crimes. It cannot be ruled out that there is a possibility of more persons came forward to show that in their names the accounts are opened.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the entire investigation papers. Initially, also the crime No.706/2023 was registered against the present applicant. Subsequently, to that another Crimes Nos. 180/2017 and 49/2024 are also registered against the present applicant. On perusal of the FIRs of all these crimes, it reveals that similar *modus operandi* is used by the present applicant and another co-accused. They have opened the accounts in the name of the dummy persons and carried out the transaction in the said account. The applicant has not only opened the account in the name of one Kishor

Dange, but he has also opened the account in the name of one Nisha Jaju and several transactions are carried out. As far as the Nisha Jaju is concerned, her cheque book and passbook is seized from the house of the co-accused. The investigation is at a primary stage, considering the various persons coming forward before the Investigating Officer alleging that their names and documents are used for opening the accounts and the documents in their names are prepared which are the forged documents.

6. Considering the involvement of the present applicant in the offences which are committed for pecuniary gain, the *prima facie* case is made out, in view of that, the interim protection granted to the present applicant deserves to be cancelled.

7. In the light of the above observations, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate