



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

**CRIMINAL APPLICATION (ABA) NO. 734/2023**

Amit Govindrao Pise V/s State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. A.K. Bangadkar, counsel for applicant.

Mr. Suraj Hulke, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 03/01/2024.**

1. Heard.
2. By this application, the applicant is seeking pre-arrest bail, in the event of his arrest in connection with Crime No. 136/2022 registered with Police Station Hudkeshwar, District Nagpur, for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860.
3. The applicant is apprehending arrest at the hands of Police as crime is registered against him, on an allegation that complainant Shobhit Ashok Gormare, who was appointed as Bank Manager on 01/04/2020 of Union Bank of India at Manewada Square Nagpur. The co-accused applied for loan with previous Andhra Bank for purchasing flat No. 301, 3<sup>rd</sup> floor, building Hanuman Villa-2, Bidipeth, Nagpur. The then Andhra Bank had granted loan of

Rs. 24,50,000/- to the co-accused and the co-accused had mortgaged the aforesaid flat, in favour of the then Andhra Bank. The co-accused failed to repay the loan amount, therefore, action was initiated for the recovery of the said amount under the SARFAESI Act. At the relevant time, the complainant who is working as a Bank Manager found that co-accused had mortgaged the bogus title deed therefore, the offence was registered. As far as the present applicant is concerned, it is alleged that he has prepared the said forged mortgaged deed.

4. The learned counsel for the applicant submitted that except the statement of the co-accused, there is no material on record to show that it was the present applicant who has prepared the said forged mortgaged deed. The co-accused is already released on bail, in the event of his arrest. Considering the role of the present applicant, his custodial interrogation is not required and therefore, he be released on anticipatory bail, in the event of his arrest.

5. The learned APP strongly opposed the said application on the ground that there is a prima facie material against the present applicant, as the statement of the co-accused as well as the statement of the witnesses shows that it was the present applicant, who has prepared the said forged

title-deed, on the basis of which the co-accused has obtained the loan amount and has not re-paid the same.

6. He further submitted that the public money is obtained as the loan by the co-accused and the present applicant has assisted the co-accused by preparing the forged document. Therefore, custodial interrogation is required and application deserves to be rejected.

7. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the statement of the witnesses. From the investigation papers and the statement of the witnesses, it revealed that it is the present applicant, who has prepared the said forged document. It is well settled that the consideration for grant of bail under Section 439 of the Code of Criminal Procedure and consideration of grant of anticipatory bail are different. While considering the anticipatory bail application, the role of the present applicant, the gravity of the offence, and the availability of the applicant for the investigation purpose as well as trial is to be looked into.

8. Considering the allegations against the co-accused that he has obtained the loan on the basis

of forged document. The public money is utilized for granting the loan to the co-accused and the said loan is obtained on the basis of forged document. The present applicant alleged to be prepared the said forged document, and his custodial interrogation is required to ascertain in what manner he had prepared the said forged document.

9. Moreover, the allegations made in the FIR, there is sufficient incriminating material available against the applicant. In the circumstances, this is not the fit case to grant anticipatory bail, the application needs to be rejected. Accordingly, I pass the following order:

The Criminal Application is **rejected**.

**[URMILA JOSHI-PHALKE, J]**