



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

931 ANTICIPATORY BAIL APPLICATION NO. 130 OF 2025

Shekhar Santram Vir

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. P. P. More h/f Mr. Gaikwad Kishor Govrdhan

APP for Respondents-State: Mr. G. O. Wattamwar

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 11, 2025.

PER COURT :-

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

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0449/2024 dated 27/12/2024 registered with Beed Rural Police Station, District Beed, for the offences punishable under sections 34, 409, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860.

3. This Court, by order dated 05/02/2025, granted interim protection to the applicant, considering the submissions in paragraphs No.3, 4, 5, and 6, and for the reasons stated in paragraph No.7, as under : -

“3] The case against the applicant is that the applicant by posing himself as the Collection Manager of Kotak Mahindra Bank, Beed has taken receipts of amounts towards the outstanding loan of vehicle nos. MH-32-P-4668 and MH-23-AS-8252 from the owners of the vehicles and has given them No Objection Certificate and signatures on Form No.35 for the purpose of transfer of the said vehicles. The applicant has received the money towards the outstanding dues and has given No Dues Certificate to the concerned owners. However, the same amount is not deposited with the bank, as such, there is outstanding amount in the bank for the same vehicle.

4] The learned counsel for the applicant points out that in the FIR No.0449/2024, dated 27.12.2024 registered with Beed Rural Police Station, District Beed, it is noted that the NOC was issued to the RTO office by the applicant. The RTO office has verified the NOC given by the applicant making appropriate inquiry with the bank and the bank has intimated to the RTO office that the No Dues Certificate issued is the correct one. The learned counsel further submits that once this position has been verified with the bank itself, it was not available to employees of the bank, more so, after the applicant had left the bank and, is, now working with some other bank to issue a communication to the RTO that there are outstanding dues for the particular vehicles and that the NOC issued is an illegal one and, as such, any fraud is committed and the applicant has defrauded the bank.

5] The learned counsel for the applicant also states that the FIR is registered at the instance of the RTO office and not by the bank, if at all, who had been aggrieved by the wrongful issuance of the NOC. He submits that this primary defence is that after having left the bank, somebody within the bank has misused the blank signed forms given by him. He also submits that to show bonafides of the applicant that he would deposit the amount of Rs.2 lakh in this Court within a period of two weeks.

6] Per contra, the learned APP points out that there is an outstanding dues of the loan and that the applicant has himself signed on a bond paper accepting his guilt and submitted the same in the bank. He submits that the applicant has accepted his deeds before the concerned officials on a bond paper and, prima-facie, accepted the error to deposit, where further investigation is necessary.

7] Considering the rival submissions, prima-facie, there would be some defence available with the applicant as the RTO before transfer of the vehicles had issued letters of inquiry to the bank and the bank has communicated to the RTO that the NOC given is a

genuine one. Considering the same, the RTO had transferred the ownership of the vehicles to the prospective buyers. In view of the same, the applicant has prima-facie made out a case for grant of anticipatory bail.”

4. The learned counsel for the applicant submits that the applicant has cooperated with the investigation. Considering the same, the interim protection granted to the applicant by order dated 05/02/2025 is confirmed.

5. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No.0449/2024 dated 27/12/2024 registered with Beed Rural Police Station, District Beed, for the offences punishable under sections 34, 409, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860, he/they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.