



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 ANTICIPATORY BAIL APPLICATION NO. 358 OF 2024

SUKUMAR KRUSHNAMURTI PANYAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Avinash Borulkar h/f. Mr. R.D.Thorat
APP for Respondents 1 & 2 : Mr. S.K. Shirse

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CORAM : ARUN R. PEDNEKER, J.

DATE : 05.02.2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 120/2021 dated 17.4.2021 registered with Anand Nagar Police Station, District Dharashiv for the offences punishable under sections 420, 465, 467, 468, 471 r/w. 34 of I.P.C.
3. This Court by order dated 4.3.2024 has granted interim protection to the applicant and the applicant was directed to attend the concerned police station. The learned counsel for the applicant submits that in pursuance of the order of this Court, the applicant has attended the police station and has cooperated with the investigation.
4. Prima facie, the case put up against the applicant, who is the branch Manager of the bank is that the applicant and office bearers of the bank have sanctioned loans to the agriculturists, who have submitted loan

proposals through the sugar factory by executing tripartite agreement i.e. the agriculturists, sugar factory and the bank. By virtue of the tripartite agreements, loans were sanctioned to 665 agriculturists. The sugar factory namely M/s. Shambhu Mahadev Sugar and Allied Industries Ltd. Havargaon, Taluka Kallamb, District Osmanabad and its directors were guarantors for the said loans. The agriculturists defaulted the loan, as such, the bank has initiated proceeding under Secularization Act for the recovery of the loan against the sugar factory, the guarantors so also against agriculturists.

5. F.I.R. is also registered for the reason that it is found that 21 agriculturists, who had applied for loan and got loan have submitted fake and fabricated documents for the purpose of loan. It is also stated in the F.I.R. that 7/12 extracts of some other land owners were submitted when the agriculturists/borrowers do not own the land shown along with tripartite agreement and loans were sanctioned to the 21 agriculturists. At the relevant time, the applicant was the bank manager of the bank.

6. The learned counsel for the applicant submits that loan proposals of the agriculturists were forwarded by the sugar factory to the Circle Office, Pune and thereby loans were sanctioned. The learned counsel for the applicant submits that in view of the above, it was not possible for the applicant to ascertain that the documents submitted along with loan proposals are fake.

7. Per contra, the learned APP submitted that verification of the document is primary responsibility of the applicant and office bearers of the bank. The learned APP further submits that loan were sanctioned to some

agriculturists, who were residing beyond 100 k.m. and in ordinary circumstances, they would not have been eligible to get the loan. As such, the applicant is not entitled for the relief of anticipatory bail.

8. Perused the police papers. Considered the rival submissions. On perusal of the police papers, it reveals that large number of agriculturists i.e. 665 were sanctioned loan. The documents are primarily submitted through the sugar factory and sent to the Circle office Pune and loans were sanctioned there. In view of that there is possibility that the applicant may not be able to ascertain that the documents annexed with the loan proposals were fabricated documents. At the most, it can be said that the applicant was negligent. The applicant has cooperated with the investigation and in view of the above facts circumstances, no criminality can be inferred against the applicant. Considering the same, I hold that custodial interrogation of the applicant is not required and the interim protection granted on 4.3.2025 needs to be confirmed.

9. In view of the above, the application is allowed and the interim protection granted on 4.3.2024 is confirmed on the following terms :

- i] The applicant shall attend the police station as and when required.
- ii] 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.
- iii. The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

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

11. 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.

12. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/