



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO. 1579 OF 2024

Kondiba Lalasaheb KasabeApplicant

VERSUS

The State of MaharashtraRespondent

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Mr. D. A. Madake, Advocate for Applicant.

Mr. D. B. Bhange, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 14th JANUARY, 2025.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0116/2023 registered with Kallam Police Station, District Osmanabad, for the offences punishable under Sections 420, 468, 471, 409, 403, 474 read with Section 34 of Indian Penal Code.

2. First Information Report is lodged by Customer Officer of Mahindra Rural Housing Finance Limited, Branch Kallam. It is alleged in the report that loans were disbursed to eight applicants for construction of house. However, later on, it was revealed that on the basis of bogus documents said loan is obtained. It was found that the property which was given as a security was not infact existing.

3. Learned counsel for the Applicant submits the applicant is entitled for anticipatory bail on the ground of parity. It is his submission that the accused against whom there is allegation that he prepared bogus documents is granted anticipatory bail. It is further claimed that even if it is accepted that the applicant has signed the said form as technical officer, nothing is to be seized at his instance. It is his submission that for want of custodial interrogation, interim relief be confirmed.

4. Learned APP opposed the application on the ground that the role of the present applicant differs from the one who was granted anticipatory bail. It is his contention that the Investigating Officer has moved a proposal for cancellation of bail granted to the said co-accused.

5. There is no dispute about the fact that the accused against whom there is allegation of preparation of bogus documents is enlarged on anticipatory bail. As of today, the said order subsists as the same has not been set aside. In such circumstances, the parity must apply. Even otherwise, having regard to the allegations

against present applicant who is no more in the employment of the financial institution, nothing is to be recovered at his instance. As such, custodial interrogation is not necessary. Applicant was granted interim protection on 18.10.2024. He cooperated in the investigation. There is no misuse of the liberty. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb