IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2031 of 2025

Faiyaz Yunus Mulla
Age 23 years, Occ. Business,
R/o. Dhangarwada, Budhwar Peth,
Tal. Phaltan, Dist. Satara. … Applicant

versus

The State of Maharashtra
(At the instance of Phaltan Gramin
Police Station, Satara) Notice to be
served on APP, AS, Bombay High Court …Respondent

Mr Hrishikesh Shinde, for the Applicant.
Mr S S Pednekar, APP, for Respondent No.1 / State.
API Shivaji S Jaypatre, Phaltan Gramin Police Station, Satara, is present.

Coram: R.N. Laddha, J.
Date: 23 July 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.347 of 2025, registered at Phaltan Rural Police Station, Satara, for offences punishable under Sections 420 of the Indian Penal Code.

2. According to the prosecution, in the year 2018, the

complainant Shalan Kisan Shinde, received information that Ajit Multi-State Cooperative Credit Society Limited, Saswad, was offering loans at comparatively low interest rates to women's self help groups (Mahila Bachat Gats). Acting on this information, women including Sunita Shinde, Sujata Shinde, and Neeta Jadhav were encouraged to form one such Bachat Gat to avail the benefits of these loans. Similarly, the relatives, Supriya Adsul, Anupama Adsul, Sonali Adsul and Kalpana Adsul, were advised to constitute another Mahila Bachat Gat for the same purpose. To facilitate the formation of these groups and subsequent loan application process, all the aforementioned women handed over essential person documents, such as blank cheques, Aadhar Cards and photographs to Santosh Shinde, who was entrusted with the responsibility of organizing and registering the Bachat Gats. However, Santosh Shinde subsequently failed to carry out the formation of Bachat Gats as promised. When the women later requested the return of their submitted documents, he refused to do so and continued to avoid their demands.

3. In 2019, the situation escalated when the women received formal notices from Ajit Multi-State Cooperative Credit Society Limited, indicating that the loans had been issued in their names. Upon enquiry, with the Credit Society, the women

learned that the documents originally submitted to Santosh Shinde had been misused to obtain loans without their knowledge or consent. Further it revealed that Santosh Shinde had handed over their documents to the present applicant, who then fraudulently availed loans from the Credit Society using their identities. The total amount of the fraudulently acquired loans was approximately Rs.9,14,692/-. When confronted the applicant /accused admitted to the wrongdoing, acknowledging that he had used the women's documents to secure multiple loans and had used the funds for his personal benefit. At that time, he executed an acknowledgment of liability on a stamp paper worth Rs.100/- , wherein he admitted to the fraud and agreed to repay the loan amount. Despite this written admission, the applicant failed to repay the loan amount. Consequently, the complainant, Shalan Shinde lodged an FIR with the Phaltan Rural Police Station, leading to the registration of a criminal case against the present applicant.

4. The learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the delay of approximately five years in lodging the FIR raises serious doubts about the veracity of the allegations. The nature of the dispute, as presented by the complainant and the

other alleged victims, is essentially civil in nature and does not disclose the necessary ingredients to attract the offence punishable under Section 420 of the IPC. It is his submission that if the complainant and others have any grievances, they should pursue appropriate remedies by way of civil proceedings rather than invoking criminal law. In addition, the applicant is ready and willing to cooperate with the investigation.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request. He submits that the applicant fraudulently secured loan amounts by misusing the identity documents of the complainant and other victims, all of whom are women, without their knowledge or consent and diverted the funds for his own personal use. Upon discovery of the fraudulent activities, the applicant not only admitted to the misconduct but also executed a written document acknowledging his unauthorised use of the victims' documents for procuring the loans in their name. In the said document, he expressly confessed to the fraud and undertook to repay the loan amounts. However, despite these clear admissions and promises the applicant did not make any repayment.

6. This Court has given anxious consideration to the rival

contentions and perused the records.

7. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282.*

8. Upon perusing the records, it appears that the victim women had initially entrusted their personal documents to Santosh Shinde with the intention of forming Bachat Gats. However, when they later realised that Santosh Shinde had failed to fulfil his commitment to establish the groups, they approached him and demanded the return of their documents. Despite repeated requests, Santosh Shinde refused to comply and began evading their demands. Subsequently, the women received notices from the Credit Society, prompting them to enquire into the matter. During this enquiry, it came to light that the documents which had been handed over to Santosh Shinde were misused to obtain loans in their names, without

their knowledge or consent. It further revealed that Santosh Shinde had passed on these documents to the present applicant, who then used them to fraudulently secure multiple loans from the Credit Society, thereby impersonating the victims. When confronted, the applicant admitted to his involvement in the fraudulent activity, acknowledging that he had indeed used the women's documents to procure loans and had misappropriated the funds for his personal use. At this time, he executed a written acknowledgment of liability on a stamp paper, wherein he allegedly confessed to the fraud and agreed to repay the misappropriated loan amounts, however, despite this formal admission, the applicant did not make any repayment. There is sufficient material available on record to indicate the applicant's involvement in the present crime. The investigation is in progress.

9. In view of the overall circumstances, I find no merit in the submission advanced on behalf of the applicant that no *prima facie* case under Section 420 IPC is made out. In cases of this nature, the custodial interrogation becomes essential to unearth the fraud in all its facets and have the money trail. The possibility of there being similarly circumstanced victims is also imminent. Release of the applicant on anticipatory bail would jeoparadised the course of effective investigation. I am,

therefore, not inclined to exercise the discretion in favour of the applicant. Accordingly, the application stands rejected.

[R.N. Laddha, J.]