

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2115 OF 2024

Nutan S. Sutar ...Applicant
V/s.
State of Maharashtra ...Respondent.

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Mr. Sanjeev Kadam, Sr. Advocate a/w. Mr. Vishal Patil and
Mr. Prashant Rawool for the Applicant.
Mr. V.A. Kulkarni, APP for the Respondent/State
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CORAM : N.R. BORKAR, J.
DATE : 14.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.289 of 2023 registered with Jawahar Police Station, Palghar, for the offences punishable under Sections 420, 464, 465, 467, 468, 471, 472, 474 read with Section 34 of the Indian Penal Code.
3. According to first informant, who was the Regional Manager of Maharashtra Rajya Sahakari Adivasi Vikas Mahamandal Maryadit, the Government had implemented a scheme for purchasing rice from the farmers at the minimum assured price. Thereafter, the said rice was to be given to the rice mill owners for milling. For that purpose, the rice mill owners were required to furnish the bank guarantees of a Nationalized or a Scheduled

Bank. The bank guarantee was required to be valid till the final accounts were settled. The regional office was entrusted with that duty to verify the authenticity of the bank guarantees. It is alleged that for the season of 2022-23 it was found that four to five mill owners had furnished forged bank guarantees. Out of the said four to five mill owners, the present applicant is one of the mill owners, who according to the prosecution had submitted forged bank guarantee to the tune of rupees more than 1 crore.

4. I have heard the learned senior advocate for the applicant and the learned APP for the respondent/State.

5. The learned senior advocate for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the milling contracts were secured by the co-accused Girish Chandwani by accepting certain amount from her. It is further submitted that there are no allegations of wrongful loss or wrongful gains to any person. There is no need of custodial interrogation of the applicant as nothing is to be recovered at the instance of the present applicant. It is submitted that the applicant being a lady, the application for anticipatory bail may be considered sympathetically.

6. On the other hand, learned APP submitted that the applicant is involved in serious offence of submitting forged bank guarantee to the tune of rupees more than 1 crore. It is submitted that the custodial interrogation of the applicant is necessary to unearth the

source of forged bank guarantee. It is accordingly, submitted that the application be rejected.

7. Admittedly, the forged bank guarantees were submitted by the mill owners and on that basis contract of milling was awarded to them. The applicant is one of the mill owners out of them. Admittedly, the co-accused Girish Chandwani is not the mill owner. It is thus difficult to accept that the applicant was not involved in the process of securing contract. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. Hence, the Application stands rejected. The interim order dated 8.08.2024 stands vacated.

[N.R.BORKAR, J.]