AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1399 OF 2025

Shaikh Shabbir H. Abdul H. … Applicant
V/s.
The State of Maharashtra … Respondent

ATUL GANESH KULKARNI
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Date: 2025.07.10 15:44:01 +0530

Mr. P.K. Sanghrajka with Mr Shirish Sawant i/by Rajeev Sawant & Associates for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. Amol Kale, PI, Lokmanya Tilak Marg Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking regular bail in connection with Crime Register No.755 of 2021 registered with Lokmanya Tilak Marg Police Station, Mumbai, for offences punishable under Sections 420, 465, 467, 468, 471, 406, 409 read with Section 34 of the Indian Penal Code, and under Section 120-B read with Sections 66(C) and 66(D) of the Information Technology Act, 2000.

2. As per the case of the prosecution, the informant Amol Kadam is working as a Regional Operational Manager at the Regional Office of IDBI Bank situated at Nariman Point, Mumbai.

The present applicant, Shabbir Shaikh, at the relevant time, was posted as the Branch Manager of the IDBI Bank at Girgaon Branch. It is alleged that the applicant, in furtherance of a criminal conspiracy and with common intention, joined hands with co-accused Santosh Adgale and Sachin Dabhade, and by using fabricated and forged documents of certain other accused persons, got sanctioned vehicle loans in their names. It is further alleged that these documents were forged for the purpose of cheating the Bank, and thereby, the Bank was fraudulently induced to disburse vehicle loans in favour of Pandurang Tukaram Bhise, Akshay Dilip Gaikwad, Satish Pandurang Chavan, Seema Sanjay Pawar, Pravin Kumar Sharma, Shrikrishna Janardhan Patil, Harshal Mangesh Belpatre and Sunil Devidas Rathod.

3. The complaint further reveals that on 6 January 2021, the informant visited the Girgaon Branch of IDBI Bank and found that, although the vehicle loan amounts had already been disbursed, the loan files of the aforementioned persons were still lying in the Branch office. Upon inquiry, the applicant informed the complainant that some documents were yet to be submitted by the borrowers, such as RC books, insurance receipts, and invoices. On verification of the said loan files by the complainant, several irregularities were found. The documents submitted by the borrowers were found to be forged and fabricated. Some of the discrepancies noted were as follows: (i) false ITR of Pandurang Bhise, (ii) incorrect entries in his bank statement, (iii) fake ITR acknowledgment of Akshay Gaikwad, (iv) fabricated invoices of Sharayu Motors, (v) false addresses of Satish Chavan and Seema

Pawar, (vi) forged PAN Card, ITR and address of Pravin Sharma, (vii) false address of Harshal Belpatre, and (viii) fake email ID in the name of Sharayu Motors.

4. The complaint further alleges that upon further inquiry, the applicant informed the complainant that the loan documents of the borrowers were brought and submitted by co-accused Satish Dabhade and Santosh Adgale. It came to light during the course of the investigation that the loan amounts sanctioned in the names of these nine borrowers were actually credited to the account of one Mazsood Ismile Patel. It is, therefore, alleged that the present applicant, in collusion with other accused, committed criminal breach of trust and cheating and caused wrongful loss to the bank to the tune of Rs.1,37,57,000/-.

5. Learned counsel for the applicant has invited attention to the decision of the Hon'ble Supreme Court in *Amar Preet Singh vs. Central Bureau of Investigation* [(2022) 13 SCC 764] and submitted that the FIR was lodged on 21 June 2021, and thereafter, the applicant attended the concerned police station on 28 occasions till he filed the anticipatory bail application in December 2024. It is submitted that from 3 August 2024 onwards, the applicant was protected by interim orders passed by this Court as well as by the Hon'ble Apex Court in the anticipatory bail proceedings. The charge-sheet has been filed and only thereafter the applicant was taken into custody. It is pointed out that there is no allegation from the prosecution that the applicant did not cooperate with the investigation. It is also submitted that the applicant has no criminal antecedents and has a clean record.

Therefore, it is prayed that the applicant be released on regular bail.

6. On the other hand, learned APP has strongly opposed the application for bail. It is contended that the applicant was protected under interim orders of anticipatory bail and hence was not arrested earlier. The role of the applicant is not minor or peripheral. As a Branch Manager of the Bank, he had a legal and official duty to verify the authenticity of the loan documents submitted by the borrowers. However, due to his negligence or active involvement, serious financial fraud has taken place. The offence involves breach of trust by a public servant and is of serious nature, affecting financial institutions. Hence, it is prayed that the application for bail be rejected.

7. I have carefully considered the submissions advanced on behalf of the applicant as well as the learned APP for the State. I have also gone through the charge-sheet and the relevant material placed on record.

8. It is not in dispute that the FIR was registered in June 2021 and that the applicant was not arrested during the course of investigation, as he was protected by interim orders in anticipatory bail applications. The charge-sheet has now been filed, and the investigation qua the applicant is stated to be complete. The prosecution has not pointed out any specific instance of non-cooperation on the part of the applicant during the investigation. On the contrary, the record shows that the applicant had attended the police station multiple times, as and when called, and had remained available for inquiry.

9. The applicant was working as Branch Manager of IDBI Bank at the relevant time. The allegations against him are that he failed to exercise due diligence in verifying the loan documents and thereby facilitated the disbursement of vehicle loans on the basis of forged and fabricated documents. However, whether such lapse was intentional or due to negligence is a matter of trial and evidence.

10. The amount involved in the alleged offence is undoubtedly significant. However, it is to be noted that the main charge-sheet has already been filed, and custodial interrogation of the applicant is no longer required. The applicant has no criminal antecedents. He is a permanent resident of Mumbai, and there is nothing on record to indicate that he is a flight risk or that he would misuse the liberty if released on bail.

11. In the case of *Amar Preet Singh (Supra)*, the Supreme Court has reiterated that once the charge-sheet is filed and the accused has cooperated with the investigation, bail should not be denied merely on the seriousness of the offence, particularly when there is no likelihood of tampering with evidence or fleeing from justice.

12. Considering the aforesaid facts and circumstances, in my considered view, a case is made out for grant of regular bail to the applicant, subject to appropriate conditions.

13. Hence, following order is passed:

i) The bail application is allowed;

ii) The applicant is directed to be released on regular bail in connection with Crime Register No.755 of 2021 registered with Lokmanya Tilak Marg Police Station, Mumbai for offences punishable under Sections 420, 465, 467, 468,, 471, 406, 409 read with 34 of the Indian Penal Code and Section 120-B read with Section 66(C) and 66(D) of the Information Technology Act, 2000, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

a) The applicant shall report the Lokmanya Tilak Marg Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.

b) The applicant shall not tamper with the evidence or attempt to influence any witness.

c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

f) The applicant shall cooperate in trial and shall not seek unnecessary adjournments.

g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)