

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 53 OF 2025

Dharmendra Santosh Gupta

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Ms. Kirti M. Samdade for Applicant
- Ms. Mahalakshmi Ganpathy, APP for State
- Mr. Vaibhav Dhanawade, PSI, Kashimira Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 21, 2025

P. C.:

1. Heard Ms. Samdade, learned Advocate for Applicant and Ms. Ganpathy, learned APP for State.

2. Applicant is indicted as accused No. 2 out of 8 accused in Crime No. 492/2024 registered with Kashimira Police Station. FIR is lodged on 24.09.2024. It pertains to availing loan of Rs. 3.9 Crore (approx) by accused No. 4 and some of his associates sometime in the year 2021-22. Complainant is the Manager of HDFC Bank, Mira Road Branch who has filed the FIR.

3. According to the prosecution case, accused have played a massive fraud by hatching a conspiracy to avail substantial loan from HDFC Bank and thereafter not repay the same. In so far as the specific role of the Applicant before me is concerned, there is nothing in the

FIR save and except stating that Applicant is the Director of the company called Yatharth Investment and Finance Pvt Ltd who employed one Mr. Jeevan Prajapat arraigned as accused No. 4 who approached HDFC Bank for availing the loan amount. According to the complainant, said accused No. 4 had produced salary slips issued by Yatharth Investment and Finance Pvt Ltd of which Applicant is the Director. However according to the complainant, the same is not correct because the said borrower Jeevan Prajapat has received his salary through another proprietorship firm called M/s. Yatharth Global Business Services.

4. If economic fraud is pleaded, details of the same have to be given. In the complaint it is stated that accused No. 4 has in conjunction with four other similar borrowers namely Golu Kumar Singh, Abhijeet Deepak Kamble, Abhishek Suresh Pawar & Pradeep Jawaharlal Kanojia availed substantial loan from HDFC Bank between 2021-2022. These loans were availed by them as personal loans. Complainant states that it is only after scrutinizing the papers which were submitted for availing the said loan, bank realized that there was some discrepancy in the salary slips. *Prima facie* if such a discrepancy was there, it ought to have been detected before grant of loan. This is what any prudent Bank will otherwise do. In the complaint, it is also stated that the sole proprietor of Global Business Services is one Mr.

Sonu Bhuti Singh who is arraigned as accused No. 3. However he has been enlarged on bail by order dated 19.10.2024 by Magistrate Court which is appended at page Nos. 72-74 of the Application. Said order clearly records that investigation in such case would primarily dependent on documentary evidence which does not require custodial presence of accused. Same principle applies in the Applicant's case also.

5. However considering the vehement objection raised by learned APP in order to determine the role of Applicant and the fact that substantial amount of public money has been availed as loan by accused No. 4, she would submit that prosecution be given one opportunity to investigate the matter. Considering the request made by learned APP, Applicant is directed to attend the concerned Police Station from 23.01.2024 to 28.01.2024 between 10:00 a.m. to 05:00 p.m. along with all documentary evidence as called for by the Investigating Officer and participate in the investigation.

6. Applicant shall not be arrested till the next date and no coercive steps shall be taken against the Applicant.

7. Once the investigation is completed, Investigation Officer is directed to prepare a comprehensive report in respect of involvement of Applicant and place the same before this Court for consideration.

8. Stand over to 30th January, 2025. To be placed under the caption “First on Board”.

Amberkar

[MILIND N. JADHAV, J.]

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