AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2387 OF 2025

Amitabh Gunjan … Applicant
V/s.
The State of Maharashtra … Respondent

Mr. Shivprasad H. Salunke with Ms. Sneha Ankush Dhananjay for the applicant.

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

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 15, 2025

P.C.:

1. The applicant apprehends arrest in connection with Crime Register No.318 of 2022 registered at Alibag Police Station, Raigad for offences punishable under Sections 420, 406, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860. He has therefore approached this Court seeking protection under Section 482 of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that a complaint has been lodged by the Regional Manager of State Bank of India, Panvel–Poladpur Division, who has been in service for the past 23 years. On verification of records of personal loan customers of the Shreebagh Branch, Alibag, for the period between 2018 to 2022, it was noticed that certain persons had opened salary accounts in the said branch and, on the strength of those accounts, obtained personal loans. These persons thereafter defaulted in payment of EMIs.

3. A detailed inquiry was then undertaken through the Business Conduct and Discipline Management Department (BCDM). It was revealed that 28 customers had submitted forged salary slips and fabricated bank statements, on the basis of which they obtained personal loans. Between 2018 and 2022, fraud to the tune of Rs. 83,19,427/- was committed against the bank by availing loans through false and fabricated documents. Accordingly, a complaint came to be lodged.

4. Learned counsel for the applicant submitted that this Court had earlier rejected Anticipatory Bail Application No.255 of 2024. He argued that subsequently the prosecution filed a charge-sheet and in view of this development, the applicant has filed the present anticipatory bail application. He pointed out that a co-accused has been granted anticipatory bail by order dated 18 December 2023. According to him, there is no material on record to show that the applicant derived any benefit from the loan amounts or received any consideration from the borrowers. He further submitted that in the communication issued by the State Bank of India regarding the role of accused persons, the name of the applicant does not appear. Hence, he contends that the applicant deserves protection from arrest.

5. On the other hand, the learned APP submitted that statements of several loan beneficiaries specifically attribute a role to the applicant. It has come in the investigation that the applicant acted under the directions of co-accused during sanction of loans.

She placed reliance on the bank statement of one Pravin Patil to show that the amount received in his account was transferred on the very same day to the account of the applicant. She further submitted that the applicant remained absconding, avoided the investigating agency, and did not cooperate with the investigation. Being an officer of the bank, it was the duty of the applicant to verify the eligibility of borrowers. However, in connivance with the borrowers and co-accused, the loans were shown as sanctioned, even though no such genuine applications had been made. Forged bank statements and false eligibility documents were prepared, and the loan amounts were siphoned off.

6. The learned APP submitted that the order granting anticipatory bail to co-accused No.1 is distinguishable. That co-accused was granted bail on the ground that he had not sanctioned the loans, whereas the sanction was given by the present applicant. Further, there was no evidence to show that the co-accused received any loan amount, while in the case of the present applicant, direct money transfer is on record. She therefore argued that the principle of parity is not available to the applicant. She contended that after rejection of the earlier anticipatory bail application, there is no material change in circumstance and hence, the present application deserves rejection.

7. I have considered the rival submissions and perused the material on record. The complaint reveals a systematic fraud committed upon the bank by submission of forged and fabricated documents. The loss caused to the bank is to the tune of more than Rs.83 lakhs. The material collected during investigation indicates that the applicant, being an officer of the bank, sanctioned loans without proper verification of eligibility. The statements of loan beneficiaries attribute a clear role to the applicant in the process of sanctioning the loans.

8. The contention of the applicant that his name is not mentioned in the communication of the State Bank of India cannot be accepted, in view of the positive material collected during investigation, including statements of borrowers and bank account details showing direct transfer of amounts to the account of the applicant. This prima facie establishes active participation of the applicant in the fraudulent transactions.

9. The reliance placed on the order granting anticipatory bail to the co-accused is misconceived. The co-accused was granted protection on the ground that he had not sanctioned the loans and there was no material to show that he received any part of the loan amounts. The case of the applicant stands on a different footing. It is the applicant who sanctioned the loans. There is evidence of direct transfer of loan proceeds into his account. Therefore, the doctrine of parity is not attracted.

10. It is also pertinent to note that the earlier application for anticipatory bail filed by the applicant was considered on merits and came to be rejected. Once such application has been rejected, the applicant cannot repeatedly approach the Court on the same grounds unless there is a substantial change in circumstances which has a bearing on the merits of the case. In the present matter, no such fresh circumstance of significance has been demonstrated.

11. The only circumstance pointed out is that the charge-sheet has now been filed. However, mere filing of charge-sheet does not, by itself, constitute a change in circumstance. On the contrary, the material brought on record in the charge-sheet further strengthens the prosecution case and brings on record additional details showing the role of the applicant in sanctioning the fraudulent loans and receiving amounts transferred from beneficiaries.

12. The settled principle of law is that successive applications for anticipatory bail are not maintainable unless the applicant demonstrates a change in circumstance of such nature which alters the substratum of the earlier order. This principle ensures finality of judicial orders and prevents repeated attempts to seek the same relief on identical grounds.

13. In the present case, instead of weakening the prosecution case, the filing of the charge-sheet has brought on record further incriminating material against the applicant. Therefore, rather than supporting the claim of the applicant, it goes against him. Hence, the filing of charge-sheet cannot be treated as a circumstance justifying reconsideration of anticipatory bail.

14. The nature of allegations, the role attributed to the applicant, the gravity of offence, and the need for custodial interrogation for effective investigation weigh against grant of anticipatory bail. The applicant has remained absconding and failed to cooperate with the investigating agency. Granting protection in such circumstances would hamper investigation and defeat the cause of justice.

15. In view of the above discussion, this Court finds no merit in the present application.

16. Accordingly, the application stands rejected.

(AMIT BORKAR, J.)