2025:BHC-NAG:4049

IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 235 OF 2025

Krushnakumar s/o Harinarayan Pandey
Vs.
State of Maharashtra, through Investigating Officer, Economic Offence Wing, Buldana, District Buldana

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Aakash Gupta, Counsel for the applicant.
Mr. M. K. Pathan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2025

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.394/2024 registered with Police Station Khamgaon (City), District Buldana for the offences punishable under Sections 420, 451, 467, 468, 471 and 474 read with Section 34 of the Indian Penal Code.

2. Present applicant is the Branch Manager of Chikhli Urban Co-operative Bank. The report is lodged on an allegation that on 18/12/2019, the co-accused obtained three loans and the informant stood as a Guarantor to the said loans. It is further alleged that due to the non-repayment of the aforesaid loan, the Chikhali Urban Co-operative Bank initiated a proceeding under Section 101 of the Maharashtra Cooperative Societies Act, 1960 against

the borrowers and the guarantor to the said loans. It is further alleged that the present applicant who was the Bank Manager has not verified and on the basis of the forged signatures loans were renewed. By forging the signatures, the loans were obtained by the borrower and the informant was shown as a guarantor to the renewal of the loan. On the basis of the same, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who pointed out that the informant has not agitated the same aspect when he has contested the proceeding under Section 101 of the Maharashtra Co-operative Societies Act and subsequently, afterthought, this FIR is lodged. He submitted that the involvement of the present applicant in the forgery, at the most the negligence can be attributed to the present applicant, who is the Branch Manager. As far as his custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the allegation of the forgery of the signature is levelled against the other co-accused. The present applicant being the responsible officer of the bank was under obligation to verify the documents before renewal of the loan. In view of that, his custodial interrogation is required.

5. On hearing both sides and on perusal of the investigation papers, as well as documents, it reveals that the co-accused have obtained the loans for which the informant stood as a guarantor to the loans obtained and the proceeding was initiated by the Bank under Section 101 of the Maharashtra Cooperative Societies Act and the informant as well as the other co-accused were served with the notices. The informant appeared in the said proceeding and filed his reply. From the said reply, nowhere it reveals that he informed in the said reply that these signatures are forged. Subsequent to the filing of the reply, this FIR came to be lodged with the statements that his signatures were obtained when he was in a jail as well as another statement is that the signatures were forged one. In the light of this contradictory statement, if the material is considered along with the reply, the custodial interrogation of the present applicant is not required. The entire investigation revolves around the documents. In view of that, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of the arrest, the applicant **Krushnakumar s/o Harinarayan Pandey** in connection with Crime No.394/2024 registered with Police Station Khamgaon (City), District Buldana for the offences punishable under Sections 420, 451, 467, 468, 471 and 474 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend the Economic Offence Wing, Buldana once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(v) The contravention of any of the condition imposed on the applicant would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate