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

CRIMINAL APPLICATION (ABA) NO.338 OF 2025

Raju Prabhakar Kendhale
Vs.
The State of Maharashtra, through Police Station Officer, Police Station Sakharkherda, Dist. Buldhana

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

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Mr. N. L. Jaiswal, Counsel for the applicant.
Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. Apprehending the arrest at the hands of police in connection of Crime No.69/2025 registered with Police Station Sakharkherda, District Buldhana for the offence punishable under Sections 318(4), 336(3), 338 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Anil Keshavrao Gade working as General Manager, Balaji Urban Cooperative Credit Society, Chikhali on an allegation that one journalist has made a complaint to the Deputy District Registrar, Cooperative Society, Buldhana regarding

borrowing gold loan from said Society by mortgaging fake gold. On receipt of the said complaint, the DDR has appointed Assistant Registrar, Deulgaon Raja as Inquiry Officer and initiated enquiry into the said allegation. During the enquiry, co-accused Ajinkya Shahane, who is working as gold valuer in the said Society, willingly confessed that, on the basis of false valuation report and by mortgaging fake gold, in furtherance of common intention with him, his relatives and friends had borrowed gold loan from the said Society. During the enquiry it is also found that, there are difference in the weight of the said fake gold and mortgage gold. On the receipt of the said report, offence came to be registered at Police Station Sakharkherda for the offence punishable under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act) and under Sections 318(4), 336(3), 338 of the Bharatiya Nyaya Sanhita, 2023.

3. Heard learned Counsel for the applicant who submitted that as far as the present applicant is concerned, who is the customer of the said Society and has obtained the loan and ready to repay the same. As far as his custodial interrogation is concerned, which is not required and there is description of the gold which is mortgaged by the present applicant which is shown by the said Society. Thus, it is the Society who has misled the investigating agency and shown the incorrect gold.

As far as the custodial interrogation of the present applicant 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 during the investigation, the Investigating Officer has collected the copies of the relevant documents regarding loan case of borrowers, including the present applicant, the documents on record and enquiry report shows the involvement of the present applicant in the alleged offence. The statements of the various witnesses including the statement of the valuer were recorded, who was subsequently added as an accused. Thus, considering the *prima facie* case, the custodial interrogation of the present applicant is required for the identification of the gold which is alleged to be fake and which was given by the present applicant for obtaining the loan, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers it reveals that after receipt of the complaint of one journalist, the enquiry was conducted and during enquiry, it reveals that the co-accused Ajinkya Shahane, who is working as gold valuer has given the false valuation report and had borrowed the gold loan as well as present applicant has also with the help of fake gold, obtained the gold loan. Admittedly, the public money which is utilized

for disbursing the loan amount to the present applicant as well as to the other co-accused. Considering the gold on the basis of which loan is obtained requires to be identified from the present applicant. Moreover, further interrogation is required in respect of whether any other persons are involved in the said offence, the custodial interrogation of the present applicant is required. Considering the *modus operandi* of the present applicant and the other co-accused, who have mortgaged the fake gold and obtained the loan which is public money, which is utilized and therefore, prayer for grant of anticipatory bail deserves to be rejected. Admittedly, the considerations for grant of anticipatory bail and bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 are different. Here in the present case, the nature of the offence requires to be seen which shows that the present applicant by giving the fake gold obtained the loan and thereby deceived the Credit Society, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)