



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

CRIMINAL APPLICATION (ABA) NO.539/2025

Manish S/o. Sunil Zade Vs. State of Maharashtra

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

Court's or Judge's order

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Mr. Amol Hunge, Advocate h/f. Mr. O. K. Masurke, Advocate for
Applicant.

Mr. V. A. Thakare, A.P.P. for Non-applicant/State.

Mr. V. V. Joshi, Advocate for Informant.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 03.09.2025

1. The applicant has filed this application for grant of anticipatory bail.

2. The applicant is apprehending arrest in Crime No.204/2025 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code.

3. It is the case of the applicant that on the complaint lodged by the Bank Manager of Tirupati Urban Co-operative Bank, the crime was registered against seven accused persons. The applicant is one of them. The applicant had taken a loan of Rs.6,00,000/- to purchase Tractor on 16.10.2020. His loan was sanctioned. The co-accused Sumit Manghate had also applied for the loan amount of Rs.5,00,000/- for purchase of Tractor. Thereafter, again the loan amount of Rs.24,00,000/- to purchase Mahindra and Mahindra Bolero Vehicle in the name of Zade Tours and Travels was taken. He submitted the quotation of

Unnati Motors, Nagpur. The part of loan amount was disbursed. The applicant failed to pay the loan amount and therefore, the Bank has issued the notice. Thereafter, the Bank knew that the vehicle was not purchased out of the loan amount. As the applicant has cheated the Bank by filing false and fabricated documents, the complaint was lodged and the crime was registered.

4. The learned Counsel for the applicant has stated that the custodial interrogation of this applicant is not required as the record is with the Bank.

5. The applicant has relied on the judgment of this Court in the case of *Chetan Vallabhdas Pabari Vs. State of Maharashtra* reported in **AIR OnLine 2022 Bom 935**. By relying on the various judgments, this Court has observed that, “the custodial interrogation becomes necessary when there is a heinous crime or where there is a possibility of influencing the witness or accused may abscond”.

6. The applicant has also relied on the judgment of this Court in the case of *Pratap Rajendra Gaikwad Vs. State of Maharashtra* reported in **AIR Online 2021 Bom 893** in support of his arguments that, the investigation in the matter is almost on the basis of the Government record, which would definitely be available with the concerned office. Bail is rule and jail is exception. When the physical custody of the applicant is not required, he deserves to be released on bail.

7. The learned Counsel for the applicant has stated that the documents are with the Bank and custodial interrogation of his applicant is not required. Hence, prayed

to protect him by granting anticipatory bail.

8. The learned A.P.P. opposed the application stating that from the inception the intention of the applicant was to commit the fraud. He has submitted the fraudulent documents. Though he has taken the loan, has not purchase the vehicles and cheated the Bank. The learned A.P.P. has relied on the judgment of the Hon'ble Apex Court in the case of *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav Vs. The State of Maharashtra and Anr.* [Criminal Appeal arising out of SLP (Cri) No.(s) 10251/2024 with connected appeal], wherein it is observed in paragraph No.18 as under :

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases....”

9. The learned Counsel for the informant has stated that the applicant has committed fraud. He has taken

the loan and not purchased the vehicle. From the inception his intention was to commit fraud. He has taken the loan to purchase the vehicle and without purchasing it he submitted false documents about vehicle. Hence, prayed to reject the application.

10. It appears from the record that the Bank is having the entire record with it. The applicant has paid the installment. For Section 420 of the Indian Penal Code, there should be misrepresentation since beginning and there should be dishonest intention. Taking into above said facts which had come on record, whether those ingredients get attracted is a question, but taking into those facts, definitely a case is made out to grant anticipatory bail as the facts do not contemplate necessity of physical custody of the applicant.

11. Considering the observations made by this Court in the Judgment of Chetan Pabari (*supra*), the application is allowed with following conditions.

- i) In the event of arrest, applicant - Manish S/o. Sunil Zade be released on bail in Crime No.204/2025 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code on his furnishing PR. Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

ii) The applicant shall attend the concerned Police Station twice in a week i.e. on Wednesday and Saturday between 1.00 to 2.00 p.m. till completion of investigation.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

12. The Criminal Application stands **disposed of** accordingly.

(MRS.VRUSHALI V. JOSHI, J.)