



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

CRIMINAL APPLICATION No.97 OF 2025 (ABA)

(Bhupesh s/o. Kawduji Shinde Vs. State of Maharashtra, through its PSO, P.S. Bajaj
Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. P.K. Bezalwar, Advocate for applicant.
Ms. M.A. Barabde, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10th MARCH, 2025.

1. Apprehending the arrest at the hands of Police in connection with Crime No.125/2024, registered with Police Station Bajaj Nagar, Nagpur, for the offence punishable under Sections 406, 420, 468 and 471 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Vinit Dilip Uke, serving as a Regional Head (Sale) in ICICI Bank from last eight years. As per the allegations in the F.I.R. in February 2023 the co-accused applied for home loan to purchase the plot and to raise the construction thereon. After scrutiny of the said application and documents annexed therewith the loan of Rs.35/- lakhs was sanctioned by the Bank to the applicant and it was disbursed. In May 2023, the original owner of the said plot, namely, Nisha Rajkumar Jaju with her husband approached to the Bank and made an inquiry

about the Plot Nos.89 and 90, then it revealed that the applicant obtained the loan against the said property by supplying the sale-deed which is forged one. The said original owner also informed the Bank that she has not executed any sale-deed of the said properties in favour of the accused. It reveals during the investigation that by impersonating the original owner Nisha Rajkumar Jaju the other co-accused got executed the sale-deed in his favour and the said sale-deed is used for obtaining the loan amount. As far as the present applicant is concerned it revealed during the investigation that the co-accused by obtaining the account number of the present applicant transferred the consideration amount in his account and thereafter present applicant again re-transferred it to the account of co-accused. Thus, with the assistance of the present applicant the co-accused has committed the offence.

3. Heard learned counsel for the applicant, who submitted that the applicant is innocent and innocently he has shared the account number which is used by the co-accused. Except that, no other benefit is received by the present applicant. His custodial interrogation is not required. In view of that, the prayer for grant of anticipatory bail deserves to be allowed.

4. Learned A.P.P. strongly opposed the said application and submitted that with the assistance of the present applicant the other co-accused transferred the some amount in the account of the present applicant and after completion of the said crime the present applicant

has transferred the said amount again to the account of the co-accused. Now, the provisions of the MCOC Act applied against the other co-accused. The modus operandi of the other co-accused is similar while committing the other offences also. Investigation is still in progress. At this stage, the prayer for grant of anticipatory bail deserves to be rejected.

5. On hearing of both sides and on perusal of the investigation papers it reveals that co-accused by impersonating the original owner got executed the sale-deed in his favour. Thereafter, the said sale-deed is used for obtaining the loan from the Bank. As far as the present applicant is concerned his role reveals that he has shared the account number to assist the other co-accused and by using the said account number the other co-accused transferred some amount and after the purpose is served he again obtained the said amount from the account of the present applicant. Thus, considering the connection of the present applicant with the other co-accused at this stage considering the investigation is in progress, the custodial interrogation of the present is required. The application deserves to be rejected. Accordingly, I proceed to pass following order :

ORDER

Application is rejected.

(Urmila Joshi-Phalke, J.)