**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.2019 OF 2025

Hiralal s/o. Ghanshyamdas Bhutada,
Age: 46 yrs. Occu : Business,
R/o. Tulsidham Sutmil Road,
Dist. Latur. .. **APPLICANT**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Gandhi-Chowk Police Station,
Dist. Latur. .. **RESPONDENT**

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Mr.S.P.Tiwari, Advocate for the applicant.
Mr.P.D.Patil, APP for the respondent-State.

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CORAM : MEHROZ K. PATHAN, J.

Reserved on : 10.03.2026

Pronounced on : 13.03.2026

ORDER :

1] The applicant has approached this Court apprehending arrest in connection with Crime No. 122/2025, registered with Gandhi Chowk Police Station, Latur, for the offence punishable under Section 417, 467, 468, 471 of the Indian Penal Code.

2] The case of the prosecution is that the informant worked as Loan Recovery Officer in Vilas Co-operative Bank Branch, Latur. The applicant – accused obtained cash credit loan of Rs.16,00,000/- from the said Bank vide Account No.203/284 on 22.03.2013 on mortgaging portions of his House No.R-8/383 and plot no. 2 in land block No.101 by executing registered mortgage deed on 22.03.2013 against the said loan. But the applicant did not repay loan arrears of Rs.99,79,598/- in spite of frequent demands. Instead, the applicant forged “No Dues Certificate” of the Bank on fabricated letter pad of the Bank by forging signatures of the Branch Manager with counterfeiting seal dated 05.01.2023. The applicant submitted the forged ‘No dues certificate’ to the Village Officer, Pakharsavangi for removing the charge in the record of rights of those mortgaged plots. Thereafter, the applicant also executed agreement to sell one of the mortgaged plot and made paper publication on 07.12.2024 in the reputed newspaper. Thus, the Bank came to know the said attempt of the applicant to alienate the mortgaged plot.

Hence, the Bank raised objection. Hence, the informant filed FIR to the Gandhi Chowk Police Station, Latur for taking action against the applicant for cheating and forgery.

3] The learned counsel for the applicant submits that the applicant is falsely implicated in the present crime. The applicant had obtained two loans respectively of Rs.1,60,000/- vide account No.205/203 and Rs.16,00,000/- vide account No.203/284. The applicant has repaid loan of account No.205/203 for an amount of Rs.1,60,000/-. The present property was mortgaged for the said loan transaction. Thus, having repaid an amount of Rs.1,60,000/- for loan account No.205/203, the applicant had requested the Bank to issue 'no dues certificate' against repaid loan which was refused by the Bank, however, the Bank sent the 'no objection certificate' directly to the concerned Talathi office by obtaining signatures of the applicant on two blank papers. The applicant had never applied to the Village Officer for removal of encumbrances from the record of property.

4] The learned counsel for the applicant further submits that even otherwise the entire investigation is almost complete. The evidence being documentary in nature, custodial interrogation of the applicant is not required. The applicant is falsely alleged of manufacturing forged no objection certificate whereas no dues certificate is directly sent by the Bank to the concerned Talathi. The applicant is not having any antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the applicant may be released on anticipatory bail.

5] The learned APP, on the other hand, strongly opposes the present application on the ground that the applicant is involved in serious offences of forgery and cheating. The applicant has availed loan of Rs.1,60,000/- initially and thereafter has availed loan of Rs.16,00,000/- in account No.203/284. The record shows that the applicant has produced no dues certificate and sought removal of the charge on the said property, event without paying loan of Rs.16,00,000/-. The offence is serious in nature. The custodial interrogation of the applicant is necessary to find out as to how many other persons / bank officials are involved in the said crime. This is not fit case to grant anticipatory bail to the present applicant. The application may, therefore, be rejected.

6] I have gone through the FIR and the investigation papers made available by the learned APP. It appears from the record that mortgage deed was executed for the loan of Rs.16,00,000/- taken by the present applicant on 22.03.2013. Perusal of the mortgage deed shows that the property belonging to the present applicant being Municipal House No.R/8/383, plot No.143, out of Survey No.36/A/2 given as mortgaged vide mortgage deed dated 22.03.2013. The record shows that charge was created on the property Gat No.101, admeasuring 307.80 square meters, vide Mutation Entry No.8964. It is also seen from the record that the said charge was sought to be removed by submitting a bogus no dues certificate by submitting a communication dated 05.01.2022 informing about loan account No.205/203 came to be closed in view of the repayment of loan. Thus, the record would show that only allegation is about producing vague no dues certificate relying upon which the charge on the property Survey No.36/A/2 was removed.

7] I have gone through the investigation papers which bears no dues certificate dated 05.01.2022. The said no dues certificate pertains to the account No.205/203 in respect of loan amount of Rs.1,60,000/- taken by the applicant. The said communication only informs that the said loan account of Rs.1,60,000/- bearing account No.205/203 is closed due to repayment. The paper publication shows that what was sought to be sold was House No.R/8/383 and not the plot out of Gat No.101, admeasuring 307.80 sq. mtrs. I could not see any entry of charge on House No.R/8/383. Mutation Entry No.8964 in revenue record only shows charge on plot out of Gat No.101 admeasuring 307. 8 square meter. Thus, whether there was any intention to cheat by forging no dues certificate is doubtful. These observations are prima facie in nature and are made only for the purpose of deciding the present application.

The Bank Authorities has already made claim of charge over the said property. The letter dated 12.12.2024 issued by Bank shows that the Bank is already in possession of the said property House No. R/8/383 in pursuance to the order dated 22.09.2022 passed by the Collector, Latur. There is no recovery to be made at the behest of the present applicant. The property is not yet sold to any third person, hence, in my opinion, custodial interrogation of the applicant is not necessary. The apprehensions of the learned APP that the applicant would tamper with the evidence and may not be available for trial, can be taken care of by imposing stringent conditions. Hence the following order :

ORDER

I] In the event of arrest of the applicant, he be released on furnishing P.R. bond of Rs.50,000/- [Rs. Fifty Thousand], with two solvent sureties in the like amount, in connection with Crime No. 122/2025, registered with Gandhi Chowk Police Station, Latur, for the offence punishable under Section 417, 467, 468, 471 of the Indian Penal Code, on the following conditions :

A] The applicant is directed to attend the concerned police station and report to the Investigating Officer on 16.03.2026, 17.03.2026, 23.03.2026, 24.03.2026, 30.03.2026 and 31.03.2026 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the Investigating Officer.

B] The applicant shall also co-operate with the investigation.

C] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

D] The applicant shall furnish all necessary documents before the Investigating Officer.

E] The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

8] Needless to say, violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail.

9] The observations made herein above are *prima facie* in nature and shall not influence the Trial Court while deciding the case on its own merits.

10] The Anticipatory Bail Application is disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

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