IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 1139 OF 2025

1. Gopal Bhiku Sid,
2. Shekhabai Gopal Sid,
3. Tanaji Gopal Sid ....Applicants

VERSUS

The State Of Maharashtra and Anr. .....Respondents

Mr. Shankar Katkar a/w Mr. Ruturaj Kadam i/b Ms. Manisha Devkar, for Applicants.

Mr. Chandrakant D. Mali, APP, for the Respondent-State.

Mr. Atharva K. Patil, for Respondent No.2 – Bank.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th JANUARY 2026.

P.C.

1. The Applicants apprehend arrest in Crime No.186 of 2025 registered with Akluj Police Station, Solapur Rural, for the offences punishable under Sections 3(5) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”).

2. Prosecution case in short is that the informant is Branch Manager, Akluj, State Bank of India. According to informant accused Nos.1 and 2 have initially borrowed crop loan of Rs.4,50,000/- on 18/02/2010 and then again they have borrowed term loan of

Rs.6,00,000/- on 16/05/2012 with assurance to repay loan amount in seven installments. It has been contended on behalf of informant that time to time loan has been revised and accused Nos.1 and 2 have executed hypothecation agreement by referring land bearing Gat No.185/1, 187/2, 268/1A, 269 paiki, 370 paiki, 371 paiki, 185/12 paiki, 185/2 having Khate No.134, totally admeasuring 3H 5R. According to informant, the boundaries of village Paniv converted and thereby new Khate No.73 had been given of village Ghule Nagar. It is alleged that out of said area, the accused persons have sold 47R land even though entire land has been mortgaged with informant's bank. It has been contended on behalf of informant that accused No.3 was the guarantor to the loan borrowed by accused Nos.1 and 2. According to informant, accused Gopal has taken loan of Rs.1,70,000/- from Bank of Baroda and Rs.5,90,000/- from Ahilyadevi Vikas Society without obtaining permission from informant's bank. With these averments and allegations, the informant claims that the accused persons have cheated his bank and thereby report has been lodged against three accused persons.

3. Heard learned advocate for the Applicant, learned APP for the Respondent – State and learned advocate for Respondent No.2 - Bank (Informant). Perused the investigation papers.

4. The allegations pertain to the documentary evidence. The Applicants were directed to attend the concerned police station and co-operate in the investigation.

5. Learned APP, on instructions from the Officer of concerned police station states that Applicants are not co-operating in the investigation and not handing over the documents.

6. Learned advocate for the Applicants submits that the Applicants have regularly attended the police station and even handed over the documents in respect of nodules certificate etc. to the Investigation Officer. He further submits that the Applicants have not at all sold any portion of their land as is alleged by the Bank-informant, therefore, there is no question of handing over the documents of sale deed.

7. As allegations made in the F.I.R. pertain to the documents which are already seized by the Investigating Officer and taking into consideration the allegations against the Applicants, further custodial interrogation of the Applicants is not necessary.

8. The application is therefore allowed. In the event of arrest of the Applicants - Gopal Bhiku Sid, Shekhabai Gopal Sid and Tanaji Gopal Sid in connection with Crime No.186 of 2025 registered with Akluj Police Station, Solapur Rural, for the offences punishable under Sections 3(5) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for

short, “BNS Act”), they be released on executing Personal Bond of Rs.15,000/- each with one surety in the like amount.

9. Till filing of the charge-sheet, the Applicants shall attend the concerned police station as and when called by the Investigating Officer.

10. The Applicants shall co-operate in the investigation and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)