

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.1223 of 2022

CNR NO.MHNS010052932022



1. **Nivrutti Keru Patole**
Age : 73 years, Occu.: Nil
2. **Trambak Namdev Mate**
Age : 62 years, Occu.: Nil
3. **Smt. Tarabai Laxman Mate**
Age : 51 years, Occu.: Nil
4. **Bhausahab Baburao Mate**
Age : 49 years, Occu.: Nil
5. **Shivaji Santu Hadke**
Age : 53 years, Occu.: Nil
6. **Balu Vishnu Mate**
Age : 50 years, Occu.: Nil

All R/o : Sanjegaon/Murambi,
Wadivahre, Tal. Igatpuri,
Dist. Nashik.

... Applicants/Accused.

V/S

State of Maharashtra

Through – Wadivarhe Police Station
(C. R. No.I-154 of 2022)

... Respondent/State.

Appearance :

Ld. Adv. Shri. Kishor L. Gaikwad for Applicants/Accused.
Ld. A.P.P. Smt. B. N. Petkar for Respondent/State.
Ld. Adv. Shri. Arvind B. Badvar for Complainant.
Shri. R. D. Ahire, P.S.I., Wadivarhe Police Station.

ORDER BELOW EXH. NO.1
(Delivered on 09th December, 2022)

1. This is an application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in connection with C.R. No.154 of 2022 registered Respondent/Wadivarhe Police Station under Sections 406, 420, 467, 468, 504 and 506 r/w 34 of the Indian Penal Code.

2. Read the application and the say filed by the respondent. Heard Ld. Advocate for applicant, Ld. A.P.P. for the State, Ld. Advocate for the Complainant/Bank and the I.O. Perused the police-papers produced for inspection by the I.O.

3. It is alleged by the prosecution that, the applicants and other accused persons applied for Gold loan. The complainant/Bank was having accused Nos.5, 12 & 14 as the Bank valuers and they had certified the purity of the mortgaged Gold ornaments and therefore Bank sanctioned the loan. Thereafter, it revealed to the Bank that the mortgaged Gold ornaments are fake and therefore an inquiry was conducted and thereafter a written complaint was filed to the Police. Police did not take cognizance. Therefore, a private complaint was filed before the Ld. J.M.F.C., Igatpuri, who gave a direction under Section 156 (3) of Cr.P.C.

4. It is the case of the applicants that, they are falsely implicated. They are an illiterate. They had applied at the instance of accused No.3, who is having Gold ornaments shop. They did not receive any amount. They are the victim of circumstances. Nothing is to be recovered or discovered at their instance. Custodial interrogation of the applicants is not necessary. Ready to abide by the terms and conditions likely to be impose by the Court. Therefore, prayed to allow the application.

5. The respondent objected on the ground that, investigation is at a primary stage. All accused in collusion with each other had cheated the complainant/Bank to the tune of more than Rs.80,00,000/-. The said amount belongs to the public. Investigation is in progress. Custodial interrogation of applicants is necessary. Therefore, prayed to reject the application.

6. Complainant/Bank intervened in this matter and filed their objection and objected on the ground that, there was a collusion in between the applicants and other accused persons and they by mortgaging fake Gold ornaments got sanctioned the loan and did not repay the same. Prima-facie case is there. Custodial interrogation is necessary. Therefore, prayed to reject the application.

7. Upon hearing and going through the material placed on record, what can be gathered is that, applicants had applied for Gold loan by mortgaging the Gold ornaments. Accused No.5 valued the Gold ornaments and certified to be pure. Accused No.12 & 14 also certified the Gold ornaments to be pure. Thereafter, the new Manager of the complainant/Bank got suspicion about the Gold ornaments. Therefore, a verification was conducted by the third valuer, who opined that the Gold ornaments mortgaged with the Bank is fake. The notices were sent to the applicants. However, they did not repay the loan.

8. In the above back-drop, if we consider the case in hand, the applicants had pointed the finger at accused No.3, who is also having a shop of Gold ornaments at Wadivarhe. There is similar type of case against accused No.3 and it is evident from the police-papers produced for inspection on record. Moreover, the sanctioned amount was credited to the

accounts of applicants and other accused persons. Complainant/Bank is having the opinion of the valuer that the Gold ornaments mortgaged by the applicants and other accused persons to be fake. Therefore, this Court finds that, there is a prima-facie case that the applicants alongwith other accused persons have cheated the Bank to the tune of more than Rs.80,00,000/-, which is the public money. The grievance of applicants that, they are the victim of circumstances can not be accepted because the sanctioned loan amount was credited to their account and they had withdrawn it. The loans were also renewed by the applicants and other accused persons. Therefore, they cannot take such a defence now. A through investigation is required in this matter. There might be a racket involved in the said crime. Moreover, it is an economic crime affecting the Nation at large. Therefore, this Court finds that, there is a prima-facie case and custodial interrogation of the applicants is necessary to know the modus-operandi and whether besides the applicants and accused persons named in the F.I.R., is there an involvement of Bank officials and employees in it. As far as, another person by name Samadhan Nathe is concerned, in investigation if his role is found in the crime, he can be made as an accused. Therefore, this Court finds that, it is not inclined to grant pre-arrest bail to the applicants. In the result, the application fails. Hence, the order.

ORDER

1. Criminal Bail Application No.1223 of 2022 stands rejected.
2. Inform the said order to the I.O.

Place : Nashik.
Date : 09/12/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.