

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2014**

Anil V. Salokhe	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. V.V. Purwant, *for the Applicant.*
Mrs. A.A. Mane, APP, *for the State.*

CORAM: G.S. PATEL
VACATION JUDGE
DATED: 31st December 2014

PC:-

1. Heard. The Applicant is the General Manager of Parshwanath Co-operative Bank, Shahupuri, Kolhapur. He apprehends arrest under Section 420 read with Section 34 of the Indian Penal Code under C.R. No. 4 of 2014.

2. Briefly stated, the dispute pertains to the sale of an immovable property admeasuring about 13 Ares at Peth Wadgaon, District Kolhapur. This transaction was between the Complainant and the original Accused No.1. In the Petition, the title of the property is traced. It is stated that the Parshwanath Bank was a

lender to Accused No.1. The property was given as security against a loan granted to Accused No.1. Consequently since that very property was agreed to be sold, the Complainant was required to make a deposit Rs.60 lacs to clear the outstanding of the Accused No. 1 with the Bank. The Complainant did not do so. It seems that Accused No.1 thereafter entered into negotiations with another party for sale of the very same property. Once again for the second transaction the Deputy General Manager of the very same bank was also made a confirming party to the transaction. The second transaction was successful although in a lower amount than the first transaction. Certain amounts were deposited with the Bank towards clearing the bank dues of the Accused No.1.

3. It is on this basis that the Complainant, i.e., the original intending purchaser under the first agreement, filed the C.R. in question accusing the Applicant amongst others of an offence under Section 420 of the Indian Penal Code. The Applicant points out that in fact his only role was in his capacity as a representative and as an officer of the Bank and to ensure that the amounts and dues are properly paid to the Bank. He was therefore shown as a confirming party. He was otherwise wholly unconcerned with the transactions in question.

4. It appears that Accused No. 1 has been granted interim relief by the Sessions Court. In the meantime the Investigating Officer has recorded the statement of the bank employees. There is no conceivable reason that the Applicant in the present Application should be taken into custody. Hence:-

- (a) In the event of the Applicant being arrested in connection with the M.E.C.R. No. 4 of 2014 registered with the Shiroli M.I.D.C. Police Station, he will be enlarged on bail on his furnishing a P.R. bond in nil amount without surety.
 - (b) He shall however, cooperate with the investigating agencies and shall not interfere with the investigation or impeded in any way.
 - (c) The Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witness and shall not in any manner tamper with the prosecution evidence and shall not in any way impede the investigation.
 - (d) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case till the time of trial;
 - (e) Any breach of these bail conditions shall result in cancellation of bail.
5. Application disposed of in these terms. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)