

**M.Cr.C. Nos.52100/2020, 52095/2020, 52276/2020, 52719/2020,  
52912/2020, 52994/2020**

**1**

**The High Court Of Madhya Pradesh**

**Indore : 31/12/2020 :-**

Shri M.A. Mansoori, learned counsel for the applicant.

Shri Sudhanshu Vyas, learned Panel Lawyer for the non-applicant/State.

Heard learned counsel for the parties through video conferencing.

**ORDER**

This is second repeat application filed under Section 438 Cr.P.C seeking anticipatory bail as he/she apprehends his/her arrest in connection with Crime No.149/2020 registered at Police Station-Malhargarh, District-Mandsaur for the offence punishable under Sections 420, 409 & 120-B of the IPC. The first application was dismissed as withdrawn on 10/11/2020 in M.Cr.C. Nos.42073/2020, 41808/2020, 41912/2020, 41852/2020, 41898/2020 and 42314/2020 respectively.

**2.** As per the prosecution case, the Bank Manager of Malhargarh Branch of Canara Bank made a written complaint to the Police alleging that from 2016 to 2018, 409 gold loans were sanctioned by the then Bank Managers and out of 409 cases, in 87 cases the gold loans were sanctioned by mortgaging the fake gold ornaments. At the time of giving loan, the genuineness of the gold was got verified by Rajesh Soni, the local goldsmith and on the basis of his report, loans were sanctioned. Later on, the Bank got verified the mortgaged gold and found that in all 87 loan cases the gold is fake, hence the FIR be registered. On the basis of aforesaid complaint, the

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Police registered the FIR against 49 accused including Rajesh Soni and the then Manager of Canara Bank.

**3.** Learned counsel for the applicant submits that the applicant has not committed any offence and he/she has been falsely implicated in the case. He/she never took loan from the complainant bank. In fact, Rajesh Soni, who is an Official Valuer of the Bank has obtained the signature of the present applicant on some blank papers and took a loan by mortgaging fake gold ornaments in the Bank. He/she has committed similar type of offence in as many as 87 loan cases. The investigation is complete and Challan has been filed. The applicant had no knowledge about the aforesaid loan, hence prays for grant of anticipatory bail in the matter.

**4.** On the other hand, learned Panel Lawyer opposes the prayer for grant of anticipatory bail by submitting that applicant did sign the loan papers and took the loan, now he/she cannot allege that Rajesh Soni took loan in his/her name. Still he/she is liable to repay the loan amount to the Bank, which is public money. If he/she is willing to deposit the loan amount to the Bank, the Court may consider his/her bail application.

**5.** I have perused the case-diary.

**6.** So far the defence taken by the counsel for the applicant is concerned, it is a matter of trial and there are as many as 87 cases registered against the co-accused Rajesh Soni of similar nature and the trial may take time to conclude. However, *prima facie* the loan was taken in the name of applicant, hence, he/she is liable to repay the same. If the applicant deposits the loan amount, he/she can be released on anticipatory bail.

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7. In reply, learned counsel for the applicant submitted that the entire loan amount was repaid by the applicant to the Bank on 05/12/2020. 05/12/2020, 02/12/2020, 05/12/2020, 04/12/2020 and 05/12/2020 respectively.

8. This Court would have directed the applicant to surrender before the Court and apply for regular bail, however, looking to the Corona Epidemic, this Court deems it fit to extend the benefit of anticipatory bail to the applicant, as he/she has already repaid the loan amount to the Bank.

9. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and the fact that the applicant has already repaid the loan amount, without commenting on the merit of the case, the application is **allowed** subject to condition that before releasing the applicant, the Investigating Officer shall verify the documents regarding re-payment of loan and if he found that the amount has been deposited with the Bank, then, this anticipatory bail order is applicable and in case he found that amount has not been deposited in the Bank by the applicant, then, he/she is not entitled for grant of anticipatory bail.

10. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he/she be released on bail upon his/her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)**, with **one solvent surety** in the like amount to the satisfaction of the Arresting Officer. This order shall be governed by the following conditions:

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(a) the applicant shall co-operate with the investigation and make himself/herself available for interrogation by a Police Officer as and when required;

(b) he/she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer;

(c) he/she shall not leave the Territory of India without the prior permission of the Court.

C.C. as per rules

**(Vivek Rusia)  
Vacation Judge**

**Aiyer\***

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Jagdishan Aiyer  
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