MHBU040009272026

ORDER BELOW EXH.1

1. By way of this application under Section 483 of Bharatiya Nagarik Suarksha Sanhita, 2023, the applicants/accused Arun Vishwanath Bhatkar and Rajesh Jagdeorao Parkhede, seek their enlargement on bail in respect of Crime No.547/2023, registered with Police Station Shegaon City, Tq. Shegaon, Dist.Buldhana, under Sections 120-B, 406, 420, 466, 468, 471 of the Indian Penal Code.

(A) CASE DETAILS

FIR Number & Date	:	547/2023, Dt.21.10.2023
Police Station, District and State	:	Shegaon City, Tq. Shegaon, Dist.Buldhana.
Sections invoked	:	120-B, 406, 420, 466, 468, 471 of the Indian Penal Code.
Maximum punishment prescribed	:	07 years.

(B) CUSTODY & PROCEDURAL COMPLIANCE

Date of Arrest	:	25.5.2026
Total period of custody	:	01 month, 06 days

(C) STATUS OF TRIAL

Stage of proceedings	:	Under investigation
(Investigation/charge-sheet/ cognizance/framing of charges/ Trial)	:	Nil
Total number of witnesses	:	Nil
Number of prosecution witnesses examined	:	Nil

(D) CRIMINAL ANTECEDENTS

FIR No. and Police Station	:	Nil
Sections	:	Nil
Status (Pending/Acquitted/ Convicted)	:	Nil

(E) PREVIOUS BAIL APPLICATIONS

Court	:	Additional Sessions Judge, Khamgaon.
Case No.	:	Anticipatory Bail Application No.355/2023
Outcome of case	:	Rejected.
Court		Hon'ble Bombay High Court Bench at Nagpur.
Case No.		Anticipatory Bail Application No.739/2023
Outcome of case		Rejected.
Court		JMFC Shegaon
Case No.		Regular Bail Application No.547/2026
Outcome of case		Rejected.

(F) COERCIVE PROCESSES

Whether any Non Bailable warrant was issued	:	No
Whether declared a proclaimed offender	:	No

2. It is the prosecution's case that the accused/applicants secured loan amount of Rs.1,75,00,000/- by mortgaging the properties with the Jijau Commercial Co-Operative Bank Ltd. Amravati. It is further alleged that the applicants without permission of the bank sold out certain mortgaged properties and defaulted to repay the loan amount and thus cheated the bank. Accordingly, first information report came to be lodged against the applicants.

3. The learned advocate for the applicants without disputing the factum of obtaining loan from the bank and having mortgaged properties with the bank and having sold some of the mortgaged properties by the applicants submitted relying relied upon the ruling in the matter of **Gopalakrishnan V/s. State of Kerala, 2010(2) Criminal Court Cases 165 (Kerala) Kerala High Court**, that sell of the mortgaged property by the mortgagor does not destroy the right of the mortgage and in that view of the matter it cannot be said that the applicants have committed any alleged offences. He further submitted that after having effected arrest, applicants have been thoroughly interrogated and now there is no need to detain the applicants behind the bars. He further submitted that even after registration of the crime, the applicants have repaid substantial amount of the loan to the bank. He also submitted that as the investigation is on the verge of completion, no purpose

would be served by keeping the applicants behind the bars.

4. It is submitted by learned APP appearing on behalf of the prosecution and learned advocate appearing on behalf of the informant that the act of selling the mortgaged properties on the part of the applicants is very serious act and as there is no repayment of loan amount, applicants do not deserve grant of bail. They further submitted that loan amount of the bank is required to be recovered by making necessary interrogation of the applicants.

5. There is no dispute between the parties that the applicants have secured loan amount from the bank by mortgaging certain properties and during the subsistence of loan, the applicants sold the certain mortgaged properties without the prior permission of the bank. In the **Gopalakrishnan** case cites supra, the Hon'ble Kerala High Court at Para No.8 of the report has held that ""Even if the property is mortgaged to the bank, sale of mortgagor's right is not forbidden by law. Such sale also may not amount to a breach of trust so as to be prosecuted. Such sale in no way affects the mortgagee's right. It would be subject to the right of the mortgagee. Mortgagee can ignore such sale and enforce his right".

6. Thus, it is doubtful whether the alleged offences stand committed by the accused persons/applicants in view of above law. The statements of the applicants show that even after registration of crime, the applicants have repaid certain loan amount. It prima facie appears that there was no malafide intention on the part of the

applicants. All the necessary documents are secured by the investigating officer. The investigation appears on the verge of completion, now there is no need to detain the applicants behind the bars. If while releasing the applicants on bail appropriate conditions are imposed ends of justice would meet. Accordingly, following order is passed :-

ORDER

(1)	Cri.Bail Application is hereby allowed.
(2)	The applicants/accused Arun Vishwanath Bhatkar and Rajesh Jagdeorao Parkhede, shall be released on execution of personal bond of Rs.50,000/- each and one solvent surety in like amount each, in respect of Crime No.547/2023, registered with Police Station Shegaon City, Tq. Shegaon, Dist.Buldhana, under Sections 120-B, 406, 420, 466, 468, 471 of the Indian Penal Code.
(3)	The applicants/accused shall not directly or indirectly contact the informant and prosecution witnesses and try to tamper the prosecution evidence, in any manner.
(4)	The applicant/accused shall not commit any other offences.
(5)	Bail before concerned JMFC Court.
(6)	The applicants/accused are in jail, they should be informed about grant of bail by sending copy of bail order through the Superintendent of Jail by E-mail

Digitally signed by CHANDRAKANT MAHADEO BAGAL
Date: 2026.07.01 17:06:42 +0530

[C.M.Bagal]

Date :- 01/7/2026 Addl.Sessions Judge, Khamgaon.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.
Name of Court : Addl.Sessions Judge, Khamgaon.