

MHTH010063052024

ORDER BELOW EXH. 1 IN ANTICIPATORY BAIL
APPLICATION NO.2217/2024
CNR No. MHTH01-006305-2024

Applicant Rajesh Anna Shetye apprehending arrest in crime No.I-818/2024 registered at Naupada Police station for the offences punishable under sections 408, 420, 467, 468, 471 read with 34 of the Indian Penal Code, has approached this Court and prayed for anticipatory bail.

2] Perused the application, say filed by the prosecution as well as of the informant and HDFC Bank, F.I.R. and other documents filed on record. Heard learned Advocate Shri.Rahulkumar Dubey appearing on behalf of the applicant, learned A.P.P. Smt R.G.Kshirsagar and learned Advocate Shri.Sanjay Singh appearing on behalf of the intervener HDFC Bank, as well as learned Advocate Shri.Vithal Mahajan appearing on behalf of the informant.

3] F.I.R. dated 30/06/2024 Mutthu Swamy Konar who is partner of Finbros Capital Advisory Private Limited Company, which is engaged in facilitating loan to the customers from financial institutions. It is direct selling agency of the bank. It has

employed agents for finding the customers who are in need of loan. From 01/04/2021 co-accused Sagar Sonawane was employed as agent of the company. During October-2021 to December-2023 Sagar Sonawane processed loan applications of 35 persons working in Jagwar Shipping and Logistic company, thereby HDFC advanced loan of Rs.3,50,00,000/-.

4] In January-2024 the informant company received E-mail from HDFC Bank that some persons failed to make repayment of loan installments and there was some fraud. Therefore, the informant company was advised to verify the persons. The informant company made inquiry with Sagar Sonawane who confessed about commission of offence. According to him, he did so as per directions and instructions of present applicant Rajesh Shetye. According to him, present applicant Rajesh Shetye handed over him false salary slips and other documents of the persons showing that they were working in Jagwar shipping company. It was revealed that the applicant and co-accused cheated the informant as well as HDFC Bank to the tune of Rs.3,26,00,000/-.

5] According to learned Advocate for the applicant, he is not concerned with the offence. He was not working in the informant company. Co-accused Sagar Sonawane and Sayali Shinde were arrested and granted bail. His custodial interrogation is not necessary. Nothing is to be recovered from his possession, therefore, prayed for bail.

6] Learned APP as well as the learned Advocates for the informant company and HDFC bank have strongly opposed the application. According to them, there is sufficient material to show that the applicant is master mind of the crime. Co-accused Sagar Sonawane has acted as per the directions and instructions of the applicant. The nature of offence is very serious. There are allegations of forging of documents, cheating in systematic manner. His custodial interrogation is very much necessary, therefore, prayed to reject the application.

8] I have considered rival submissions.

9] I have gone through the papers of investigation produced by the investigation officer. There are statement of witnesses such as Pawan Diwate, Nilesh Khandalkar, Ashwini Jadhav, Jasmita Madiya, Omkar Sovilkar, Rohit More, Shweta Samson which show that present applicant prepared false record showing that they were working in Jagwar Shipping company. In order to secure loan amount forged salary slips of the persons in whose name loan was procured from the bank were prepared. After receipt of loan substantial amount was obtained by the applicant from the witnesses.

10] The co-accused Sagar Sonawane has processed the documents received from the applicant for obtaining loan from HDFC Bank. As mentioned above, there are statements of

witnesses which show specific role of the applicant in commission of the offence.

11] Considering the manner in which the offence is alleged to have been committed, for the purpose of effective investigation, custodial interrogation of the applicant is very much necessary. It would not be proper to grant anticipatory bail to the applicant.

:: ORDER ::

Application is rejected.

Thane.

Date : 23/01/2025

(A.N.Sirsikar)

Additional Sessions Judge,
Thane.

:: CERTIFICATE ::

I affirm that the contents of this PDF file Judgment / order are same word to word as per the original Judgment / order.

Name of the affirming Steno	:	Mrs. V. V. Mehendale steno Grade-1
Date of Dictation	:	23/01/2025
Date of Transcription	:	23/01/2025
Checked and Signed by	:	24/01/2025
the Presiding officer on.		
Uploaded on	:	24/01/2025

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