

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1690 OF 2015

Shivaji s/o Shenpadu Khairnar

.... APPLICANT

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

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Mr. C.R.Deshpande, Advocate for Applicant.

Mr. A.V.Deshmukh, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th APRIL, 2015

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PER COURT :

1. The applicant is apprehending his arrest in connection with Crime No. 216/2014 for the offences punishable u/s 420,406,465,467,468,469,471,473 read with 34 of the Indian Penal Code registered with Dhule City police station, Dhule.

2. Heard Mr. C.R.Deshpande, learned Counsel for the applicant and Mr. A.V.Deshmukh, learned A.P.P. for respondent No. 1 – State.

3. Originally, Complaint is lodged by the complainant Sunil Prabhakar Deshmukh against the applicant who is Branch Manager of Bank of India. There is no dispute that a plot stands at Deopur, Dhule in the name of wife of the applicant. The complainant is a contractor. Agreement was entered into between the wife of the applicant and the complainant in respect of construction of bungalow on the plot. It is also not in dispute that the complainant has received five cheques and received total amount of Rs. 15,01,900/- from the applicant and his wife.

4. The dispute is in respect of one cheque of Rs. 1,33,000/-. According to the complaint, all other cheques were issued in the name of Sunil Prabhakar Deshmukh. However, cheque of Rs. 1,33,000/- was issued by the Bank in the name of Sunil P. Deshmukh. According to the prosecution, the applicant has encashed the said cheque. The amount is not paid to the complainant. Learned A.P.P. pointed out that allegation against the applicant is that he has prepared false driving licence of Sunil Prabhakar Deshmukh.

5. It is also not in dispute that civil proceedings were pending in between the present applicant and the complainant. It is also not in dispute that cheque in question is of the year 2011 and for that complaint is lodged in 2014.

6. Looking to the fact that the applicant is working as branch manager, there is no chance that he will not be available in the course of investigation. Further, civil disputes

are pending between the parties and dispute is only in respect of Rs. 1,33,000/-. All other amount is already received by Sunil Prabhakar Deshmukh. In that view of the matter, custodial presence of the applicant is not required.

7. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) In the event of arrest in connection with Crime No. 216/2014 for the offences punishable u/s 420,406,465,467,468,469,471,473 read with 34 of the Indian Penal Code registered with Dhule City police station, Dhule , applicant Shivaji s/o Shenpadu Khairnar be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety in the like amount.

(iii) The applicant shall attend Dhule City police station, Dhule on 19/04/2015 between 4.00 p.m. and 5.00 p.m. The applicant shall give his specimen hand writing and also the signature to the Investigating Officer. The applicant shall attend Dhule City police station, Dhule as and when required by the Investigating Officer. However, the Investigating Officer shall give sufficient notice in writing. It is expected that since the applicant is discharging his duty as

branch manager of the bank, he shall be called and he shall attend Dhule City police station, Dhule only on Sunday.

(iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]