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

CRIMINAL APPLICATION NO.5470 OF 2015

Vishwanath s/o Mohanaji Gaikwad ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr D.M. Shinde, Advocate for applicant;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2015

ORAL ORDER :

By this application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.48 of 2015, registered with police station Akhada Balapur, for offences punishable under sections 420, 467, 468, 471 read with sec. 34 of the Indian Penal Code.

2. At the outset, learned Counsel appearing on behalf of the applicant voluntarily makes a statement, that the applicant shall deposit an amount of Rs.2,00,000/- with the Grampanchayat, within a period of two weeks from today. The statement is accepted in the form of an undertaking.

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3. In the above referred background, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail, would urge that custodial interrogation is not necessary, as the applicant who has received amount of Rs.2,40,000/-, has already completed the work in question and even otherwise, he was entitled for the said amount.

4. While opposing the application, learned Addl. Public Prosecutor would urge that the amount was withdrawn in advance, that too by tampering/over-writing on the cheque.

5. Upon perusal of the documents, it is noted that even if there was overwriting on the cheque, which was not counter-signed by the issuer thereof, still the Bank has processed the same and has transferred the amount to the account of the applicant. Apart therefrom, fact remains that in view of undertaking given by the applicant that he shall deposit an amount of Rs.2,00,000/-, his custodial interrogation will hardly be of any assistance.

6. In view of above, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. Thus, the following order :-

In the event of arrest of the applicant, in connection with C.R. No.48 of 2015, registered with police station Akhada Balapur, for offences punishable under sections 420, 467, 468, 471 read with sec. 34 of the

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Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall deposit an amount of Rs.2,00,000/-, with the Grampanchayat, as undertaken herein above, within the time stipulated. On failure to deposit the amount, within the time stipulated, the State will be at liberty to move an application for cancellation of bail granted to the applicant.

The applicant shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

(N.W. SAMBRE, J.)

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