

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1701 OF 2015

Vijay Arun Kachare & Anr. .. Applicants

v/s.

The State of Maharashtra ..Respondent

Mr. Biju Antony Aloor for the applicant
Smt. Geeta P. Mulekar, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 16th NOVEMBER, 2015.**

P.C.

1. The applicants herein have filed the aforesaid application for anticipatory bail, apprehending his arrest in C.R. No.216 of 2015 registered with Sinner Police Station, Nashik under Section 420, 506 r/w 34 of the IPC.

2. Heard the learned Counsel for the applicant and learned APP for the State.

3. I have perused the records. The records *prima facie* reveal

that the complainant had earlier lodged a complaint in respect of the same incident before the Sahakarnagar Police Station, Pune. No crime was registered in respect of the said complaint. The applicant no.1 had subsequently filed a complaint against the complainant for the offence under Section 138 of the N.I. Act in respect of the same transaction. Pursuant to the said complaint, the complainant has lodged a fresh complaint in respect of the same incident before the Sinnar Police Station. There is considerable delay in filing the second complaint. Moreover, *prima facie* the said complaint appears to be an offshoot of the complaint lodged under Section 138 of the N.I. Act. Considering the above facts and the nature of allegations levelled in the complaint / FIR, in my considered view, this is not a case which warrants custodial interrogation. There is no possibility of the applicants absconding or fleeing from the course of Justice.

4. Under the circumstances, the application is allowed on the following terms and conditions.

(i) In the event of arrest of the applicants in C.R. No. 216 of 2015, the applicants shall be released on bail on furnishing bail bonds of Rs.10,000/- each with one surety in the like amount to the satisfaction of the learned Magistrate.

(ii) The applicants shall furnish his permanent as well as local address to the learned Magistrate and till filing of the charge-sheet, the applicants shall not leave the jurisdiction of the learned J.M.F.C. without prior permission of the Magistrate.

(iii) The applicants shall report to the Investigating Officer for a period of 4 days from 10.00 a.m. to 1.00 p.m. the date of the receipt of the order or as and when required by the I.O. for the purpose of interrogation and investigation.

(ANUJA PRABHUDESSAI, J.)