

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2245 OF 2015

Hasmukhbhai Raojibhai Bhanderi @
Harishbhai Patel

..Applicant

-Versus-

State of Maharashtra

..Respondent

Mr.Amin Solkar for applicant
Ms.M.H.Mhatre, APP for State.

CORAM : A.S.GADKARI, J.
DATE : 18th November 2015.

P.C.

1] The applicant is seeking bail in C.R.No.312 of 2015 registered with Antop Hill police station, Mumbai under sections 467, 468, 419, 420, 120(b) and 511 of IPC.

2] It is the case of the prosecution that the original accused No.1, Altaf Shaikh who was having an account in the name of Regent Enterprises with the State Bank of India, Antop Hill Branch deposited a cheque, allegedly issued by Rajiv Gandhi Rural Water and Sanitation Assam Hengra Bari Guwahati for Rs.3,79,54,250/-. The complainant, Branch Manager, raised a suspicion about the said cheque and, therefore, with a view to verify the genuineness of

the same, contacted the issuing branch i.e. State Bank of India, Dispur branch, Guwahati. It is informed by the Guwahati branch of SBI that the said cheque bearing No.187928 was never issued by it and a cheque of same number is still in their possession. The complainant, thereafter, realised that the cheque which was presented for encashment by Altaf Shaikh was fake negotiable instrument. He accordingly lodged the FIR with the police station. The learned Counsel for the applicant submitted that as a matter of fact the said cheque was subsequently collected back by the main accused himself.

3] During the course of investigation, it is revealed that the present applicant only acted as carrier. The cheque in question was sent in a sealed envelope by the accused Rajendra Dogra to the other accused Suresh Agarwal, who in turn delivered the said envelope to the principal accused Altaf Shaikh. The role attributed to the applicant is that he received the sealed envelope containing the said cheque from said Rajendra Dogra and handed over to the said Suresh Agarwal. It appears to me that prima faie, it is difficult to hold that the applicant was having knowledge that the envelope

which he was carrying was containing fake cheque. It also prima facie appears that the applicant has not been monetarily benefited in the entire crime. It further prima facie appears that the applicant did not have any intention to cheat the Government Authorities. It is only because of the cautiousness of the branch manager, that the loss to the Government exchequer was averted.

4] In view of the above, I am inclined to grant bail to the applicant on the following terms and conditions:-

- (i) The applicant shall be released on bail in C.R.No.312 of 2015 registered with Antop Hill Police Station, Mumbai on his furnishing P.R.Bond of Rs.25,000/- with one solvent local surety in the like amount;
- (ii) The applicant shall attend the I.O. on every Monday between 10.00 a.m. and 12.00 noon till filing of charge sheet;
- (iii) The applicant shall not tamper with the evidence nor influence the witnesses.
- (iv) The applicant is allowed in the above terms.

(A.S.GADKARI, J)