

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

917 CRIMINAL APPLICATION NO. 3986 OF 2016

EESH JOGINDERNATH SABHARWAL

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.N.Sabnis, Advocate for Applicant.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 19th AUGUST, 2016

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PER COURT :

1. The applicant/accused in Crime No. 133/2016 registered at City Chowk police station, Aurangabad for the offences punishable U/ss 420 and 406 of the Indian Penal Code at the instance of Khaja Nadimoddin Khaja Shamiuddin by this application is praying for pre-arrest bail.

2. Heard learned counsel for the applicant. He drew my attention to the fact that 2 Regular Criminal Cases filed for the offence punishable U/s 138 of the Negotiable Instruments Act have already been dismissed.

3. Learned A.P.P. opposed the application by contending that the crime in question is serious and after interview, some other person was selected as dealer of the Cognet EMR Solutions Ltd. Company.

4. Perused papers of investigation. F.I.R. came to be lodged by the informant with averments that he had deposited amount of ₹ 5.51 Lakh with aforesaid Cognet Company which deals with Anti-radiation Chips. This deposit was made for seeking dealership. The informant further averred that goods were never supplied to him by the said company. Ultimately, 4 cheques were given to him by the company towards refund of the deposit, but all those cheques were dishonoured.

5. The applicant was the Director of the said company for the period from 22/02/2010 to 12/06/2010. The transaction appears to be predominantly of civil nature. The informant had already taken recourse to the provisions of law as 4 cheques delivered to him by the said company were dishonoured. Said Regular Criminal Cases are already dismissed. On this backdrop, custodial interrogation of the applicant is not warranted and, therefore, the following order.

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 133/2016 registered at City Chowk police station, Aurangabad for the offences punishable U/ss 420 and 406 of the Indian Penal Code, applicant

Eesh Jogindernath Sabharwal be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

- (iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- (iv) The applicant shall not tamper the evidence of the prosecution.
- (v) The applicant to attend concerned police station on 31/08/2016 in between 11.00 a.m. and 1.00 p.m.

[A.M.BADAR, J.]