IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.549 OF 2016

Abdul Gani Nizamuddin Siddiqui ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Amit Munde for the Applicant
Ms.Alpa Javeri, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 23, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code in C.R. No.61 of 2016 with Shivaji Nagar Police station, Mumbai registered on 3.2.2016 at the instance of one Anis Ahmed Taufeeq Choudhary.

2. It is the case of the prosecution that the complainant had dealings with the applicant-accused Abdul Gani and his uncle Shamsuddin Shaikh. The complainant agreed to purchase a Tata company vehicle from Shamsuddin Shaikh for Rs.14,10,772/- and he has given cash amount of Rs.2,35,000/- towards repayment of car loan and the remaining amount was to be paid to the Bank as EMI of the remaining amount. The EMI of the said car loan was Rs.30,145/-. Abdul Gani, the applicant-accused, had separate dealings with the complainant about various land purchases.

The complainant had paid a total sum of Rs.26,70,000/- to the applicant-accused for purchasing some land in 2008. In March 2015, it was found that the applicant-accused has sold some land to other builder in May, 2015 for a higher price. In June, 2015, the complainant gave a cheque of Rs.70,000/- which was drawn on Konkan Mercantile Bank towards two months' EMI to Shamsuddin Shaikh. However, he received a call from Konkan Mercantile Bank, Shinvaji Nagar branch, Govandi on 10.12.2015 that a cheque given by him in favour of Abdul Gani for Rs.17,10,000/- is received by the bank for clearing. He went and stopped the said payment. However, it was found by the bank officers that the cheque was for the amount of Rs.70,000/- which was forged as Rs.17,10,000/-. The said amount was not available in his bank account and hence, he gave complaint.

3. The learned Counsel for the applicant-accused has submitted that the applicant-accused has initiated proceedings under section 138 of the Negotiable Instruments Act against the complainant. This is a false case lodged against him by the complainant. Another FIR is lodged by the complainant out of the same transaction. He submitted that the applicant is innocent and he is to be given pre-arrest bail.

4. Learned Prosecutor has opposed the application.

5. Perused the FIR. In this case, amount of Rs.70,000/- in the cheque is forged by changing figures as Rs.17,10,000/-. In the facts of the case, I am of the view that his custodial interrogation of the applicant-accused is required. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)