

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1051 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.P.Mundergi, Sr. Advocate i/by Abhishek Yende for the applicant.

Mr. Deepak Thakare, APP for the Respondent-State.

Mr. V.R. Tripathi for the Intervenor.

CORAM : A.S. GADKARI, J.

DATE : 21st October, 2016

P.C.

1. The applicants are granted interim relief by an order dated 19.8.2016.

The applicants are apprehending arrest in MECR No.6/2015 dated 15.11.2015 registered with Khar Police Station, Mumble under Sections 420 read with 120(B) of the Indian Penal Code.

2. The first information report is lodged by Shri. Sumit Bansal, Junior Accountant Manager an employee of M/s. Colambia Petro chem Pvt. Ltd. It is stated in the said report that the complainant company supplied goods to the applicants company namely M/s. Kosa Electrical Pvt. Ltd. during the period from 26.9.2013 to 7.9.2013. The

complainant supplied the goods amounting to Rs.15,80,920/- The applicants issued cheques towards the purchase of the said goods. That the said cheques were dishonored when presented for encashment. It is further stated that the complainant thereafter initiated proceeding as contemplated under Section 138 of the Negotiable Instruments Act and the said proceedings are subjudiced. It is further stated that the complainant company also adopted the proceedings under the Arbitration Act, 1966 and the Arbitral Tribunal has given an award in their favour. That, despite there being an award the applicants failed to comply with the same. In the premise, the first information report is lodged.

3. The facts mentioned in the first information report itself would reveal that the complainant has already resorted to the arbitration proceedings and an award is passed in favour of the complainant. The complainant has also initiated the proceedings under Section 138 of the Negotiable Instruments Act for dishonour of cheques given by the applicants. Prima facie it appears from the record that the complainant company wants to execute the award inter alia for recovery of the award by initiating the present criminal proceedings against the applicants.

4. In view of the admitted facts mentioned in the first information report itself according to me the custodial interrogation of the applicants is not at all necessary.

5. The interim relief granted by an order dated

3 /3ABA-1051-16-15

19.8.2016 is hereby confirmed and the application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)