

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.621 OF 2015

Sachin Shah ... Applicant
vs.
Mayur Navneetlal Parikh and Others ... Respondents

Mr. B.V. Salunkhe i/b. Mr. Subhash Hulyalkar, for the
Applicant/original complainant.
Mrs. Geeta Mulekar, APP for Respondent No. 3 – State.
Mr. Prasanna Bhangale i/b. Mr. V.R. Sutaria, for Respondent
Nos. 1 and 2/accused.
Mr. B.B. Bansod (P.S.I.), N.M. Joshi Marg police station.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 26th APRIL, 2016

PC.:

. The application is moved for cancellation of anticipatory bail which was granted by the learned Additional Sessions Judge, City Civil Court, Greater Mumbai by its order dated 16th April, 2015 in Anticipatory Bail Application No. 77 of 2015.

2. The Respondents/ accused are facing prosecution for the offences punishable under Sections 406 and 420 read with 34 of

Indian Penal Code registered with N.M.Joshi Marg police station, Mumbai vide C.R. No. 361 of 2015.

3. The learned counsel for the applicant/original complainant has submitted that the amount involved in this misappropriation is huge. The complainant has supplied the material i.e. paper to the Respondents/accused and the total outstanding amount is Rs. 2,44,93,555/-. The Respondents/accused gave cheques to the complainant. However, those cheques were bounced. He submitted that the order passed by the learned trial Court of granting pre arrest bail is erroneous. The learned Sessions Judge ought to have considered the amount involved in the offence. So also the conduct of the Respondents/accused that the cheques given to the complainant were bounced. He submitted that the Respondent No. 5 has given a false address at the time of filing anticipatory bail application. Therefore, he prayed that the anticipatory bail granted to the Respondents/accused is to be cancelled.

4. The learned prosecutor on query has submitted that the State has not filed any application for cancellation of pre arrest bail.

She submitted that the charge-sheet is filed on 5th February, 2016. On instruction, she further submitted that the correct addresses of the Respondents/accused are with the investigating officer and the Respondents/accused have attended the police station.

5. Perused the order passed by the trial Court. The learned Sessions Judge has observed that the complainant has filed proceeding under 138 of Negotiable Instruments Act in cheques bounce matter. It is a business contract between the parties. In view of this and in view of the submissions made by the learned prosecutor, I do not find any case made out to invoke powers under Section 139(2) of Code of Criminal Procedure. Hence, the criminal application stands dismissed and accordingly disposed of.

(MRIDULA BHATKAR, J.)