

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1112 OF 2016

Mr. Sarang Shivajirao Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Veerdhaval Kakade, Advocate for the applicant.
Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 13th December, 2016.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.173 of 2016 registered at Sahakarnagar police Station, Pune, for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

2. The first informant Atul Rasal has filed a report to the police station alleging therein that the present applicant had assured him to give contracts. He had informed the complainant that there are several registered societies for the welfare of the economically backward classes and they got a lot of subsidy from the Social Welfare Department. He had

assured the complainant that he would definitely get a contract through Social Welfare Department for which he will have to pay advance amount of Rs.35 lakhs. That the complainant had given an amount of Rs.20 lakhs to the applicant. They had entered into a memorandum of understanding. It was agreed between the parties that he would pay the remainder of the amount subsequently after having been entrusted with the contract. The complainant had then realized that the applicant has cheated him and, therefore, he started insisting upon him to return the amount. The applicant had issued two cheques of Rs.20 lakhs and Rs.15 lakhs which are dishonoured.

3. The learned counsel for the applicant submits that although the case would fall for consideration for an offence punishable under Section 138 of Negotiable Instruments Act, prima facie, it appears that there are reports filed against the complainant also for the offence punishable under Section 420 of IPC. The complainant and the applicant have entered into a memorandum of understanding. The possibility of an amicable settlement cannot be ruled out. The offence under Section 420 of IPC is a compoundable offence.

4. Taking into consideration the papers of investigation and role attributed to the present applicant, this Court is of the opinion that the order granting interim relief in favour of the applicant dated 4.7.2016 deserves to be confirmed.

5. The observations are restricted to an application under Section 438 of Cr.P.C.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on first and 3rd Sunday of each month till the filing of the charge sheet and co-operate with the investigating agency to the best of his capacity.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)