

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1980 OF 2016

Bhupinder Singh Sawhney

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Girish Kulkarni i/b Mr. Madhusudan Pareet Advocate for Applicant.
Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : OCTOBER 15, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein was arrested on 27/06/2016 in crime no. 40 of 2013 registered at Ichalkaranji Police Station Dist. Kolhapur for offence punishable under sections 406, 420 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that on 28/03/2013, the complainant Madhukumar Jain lodged a report at Ichalkaranji Police Station against the present applicant alleging therein that present applicant had purchased cloth material from the complainant. Initially business was going on properly. It is alleged that present applicant has not paid for cloth which he had purchased

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worth Rs. 2 Crore 88 Lakhs. That the applicant is Managing Director of Koutons Retail India Ltd. That he had issued cheques towards the consideration of the said cloth material, however the cheques have been dishonoured and hence, according to the complainant, applicant herein has committed breach of trust and has cheated the complainant as he had no intention to pay for the cloth which he had purchased.

3) The learned APP submits that applicant does not deserve to be enlarged on bail as he is permanent resident of Gurgaon and may not be available to face the trial. It also appears that co-accused Devendra Kolhi is still absconding. That F.I.R. has been lodged only to recover the amount.

4) The learned counsel for the applicant submits that in fact, the Company had gone into losses and was on the verge of closure. That the applicant had no intention to cheat but had faced circumstances in which he was unable to make the payments. Investigation is completed and charge-sheet is filed on 20/08/2016. Applicant is in custody for more than 3 months.

5) It is in these circumstances, applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge

application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 1,00,000/-(Rs. One Lakh only) with one or more solvent sureties in the like amount.
- (iii) Applicant shall report to Ichalkaranji Police Station on first Sunday of each month till the framing of charge.
- (iv) Upon failure to attend any two consecutive dates, investigating agency/prosecution would be at liberty to file an application seeking cancellation of bail.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)