

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1580 OF 2015

Vijay Dattatray Jadhav	... Applicant
vs.	
The State of Maharashtra and Another	... Respondents

Mr. D.S. Pagare, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.
Mr. Prakash Solaskar, for Respondent No. 2.

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

DATE: **15th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offence punishable under Section 420 of the Indian Penal Code in C.R. No. I-202 of 2015 registered with Ambarnath police station, Thane. The offence is registered at the instance of one Seema Kadam on 22nd June, 2015.

2. It is the case of the complainant that the applicant /accused represented to her that he is developing a plot at Vadvali, Ambarnath(E) and wanted to sale one plot admeasuring 1200 sq.ft. The total consideration of the said plot was Rs. 22 lacs. The

complainant wanted to purchase the said plot. Therefore, she paid Rs. 2 lacs in cash and Rs. 8 lacs through two cheques. It is her case that the applicant/accused did not execute any agreement of sale with the complainant in respect of the said land. Thereafter, the complainant and her children tried to contact the applicant/accused but he avoided. Therefore, the complainant demanded money and the applicant/accused gave a cheque of Abhyudaya Co-Operative Bank, Charai, Thane of Rs. 10 lacs to her. It is her case that the said cheque was bounced. Hence, she filed complaint.

3. The learned counsel for the applicant/accused submitted that till today the applicant/accused could not deposit the amount but he did not want to cheat the complainant. He prayed for anticipatory bail.

4. The learned prosecutor as well as the learned counsel for the complainant, both oppose the application. My attention was drawn to the order dated 23rd October, 2015 passed by this Court while granting interim protection to the applicant. At that time, the applicant/accused has agreed to deposit sum of Rs. 10,11,000/- in the

Court within a period of four months. The said period is over on 22nd February, 2015. However, till today no amount is deposited. On perusal of the first information report, it is found that the applicant/accused neither executed any document nor gave any receipt for the amount. The cheque of Rs. 10,11,000/- given by the applicant/accused to the complainant was also bounced. Therefore, it appears that it is a case of cheating, hence protection cannot be granted.

5. In view of the above, anticipatory bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)