IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1943 OF 2015

Indersingh Raghuvirsingh Wig ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Mr. Amit Sheth i/b. Mr. A.R. Babusingh, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.
Mr. R.V. Sipahimalani, for Respondent No. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **21st APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420 and 406 of the Indian Penal Code in C.R. No. 129 of 2015 registered with Mulund police station, Mumbai. The offence is registered at the instance of one Nitin Shah on 16th March, 2015.

2. It is the case of the complainant that in October, 2014 he met with the applicant/accused as he indulged in the business of real

estate. The applicant/accused showed some properties to the complainant and the complainant gave him blank cheques of Jankalyan Co-Op. bank with the signatures as it is the usual procedure followed between the parties. It is the case of the complainant that till the end of October, 2014 as there was no transaction of land has taken place, he demanded cheques back however, the applicant/accused avoided to return the same and on 24th February, 2015, he deposited one cheque of Rs. 5 lacs in the bank which was cleared and the amount of Rs. 5 lacs was transferred from the account of complainant to the account of the applicant/accused. As soon as he received this information from the bank, he contacted the police and the account of the applicant is sealed and therefore the applicant/accused could not withdraw the said money. It is further case of the complainant that out of five cheques, one cheque of Rs. 5 lacs was deposited by the applicant and the amount was transferred in his account though there was no business transaction between them.

3. The learned counsel for the applicant/accused submits that the applicant/accused and the complainant have different

business transactions in respect of few properties and the complainant has issued cheques for the same and as some cheques are bounced, the applicant/accused has filed criminal cases under Section 138 of Negotiable Instruments Act against the complainant.

4. The learned prosecutor oppose the application. The learned counsel for the complainant while opposing the application has submitted that the applicant/accused has played fraud on the Magistrate's Court while filing false cases under Section 138 of Negotiable Instruments Act against the complainant. He submitted that the cheques were blank and they were given for the purpose of purchase of properties however as no property was purchased by the complainant or by third person, there is no reason to get cheques credited.

5. Considering the allegations against the applicant/accused, it appears that the amount of Rs. 5 lacs transferred from the account of the complainant to the account of the applicant/accused, however the said account is sealed and therefore the applicant could not withdraw money out of the said Rs. 5 lacs. Under such circumstances,

the interim pre arrest bail which was granted to the applicant /accused on 23rd December, 2015 is hereby confirmed on the same terms and conditions. The applicant/accused shall attend concerned police station as and when required by the investigating officer.

6. Accordingly the application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)