

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.777 OF 2017

Chetan Shankar Orase .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.568 OF 2017
(For Intervention)
IN
ANTICIPATORY BAIL APPLICATION NO.777 OF 2017**

Kishor Somnath Navandar .Intervenor

IN THE MATTER BETWEEN

Chetan Shankar Orase .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.V.B.Shivarkar, Advocate, for the Applicant
Mr.Rajan Salvi, APP, for the Respondent – State
Mr.P.G.Sarda, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 70 of 2017 registered with the Yerawada Police Station, Pune, for the alleged offences punishable under Sections 392, 452, 506(2) r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that a false complaint has been lodged against him. He submits that the allegation, that the applicant had threatened the complainant at gun point to part with a cheque of Rs. 3,50,00,000/- is baseless. He relied on pages 38 and 39 of the application. He submitted that infact, the said cheque was given by the complainant to the applicant on 1st December, 2016 and that the complainant had made stop payment on 5th December, 2016. He does not dispute the fact, that the said cheque of Rs.3,50,00,000/- is the Applicant's custody. He further submitted that the amount of Rs.21 lakhs allegedly transferred by the complainant to the applicant on 2nd December, 2016, pursuant to a threat, is also baseless. He submitted that the said amount of Rs. 21 lakhs was again transferred by the applicant to the complainant's account on 3rd December, 2016, however, the complainant again transferred the said amount of Rs. 21 lakhs to the applicant's account, on 6th December, 2016. He further submits that the allegation that Rs.14 lakhs was paid by the complainant to the applicant

in cash, is also false, inasmuch as, this was during the period of demonetization.

4. Learned counsel for the Applicant submits that pursuant to the Order dated 14.07.2017, the Applicant has handed over the cheque of Rs.3,50,00,000/-and the key of the flat to the investigating officer.

5. Learned APP does not dispute, that the Applicant has handed over the cheque of Rs.3,50,00,000/- as well as the key of the flat to the investigating officer. Learned counsel for the intervenor opposes the Application.

6. Perused the papers. It appears that the cheque of Rs.3,50,00,000/- and the flat keys, have been handed over to the investigating officer, as directed. As far as, cash of Rs.14,00,000/- allegedly paid by the Complainant to the Applicant is concerned, the same is disputed. There appears to be some financial transaction between the parties. The trial Court, will decide, whether or not the said amount was received by the Applicant or not. Be that as it may, in the peculiar facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is

granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.50,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. In view of disposal of the Application, the Intervention Application, being Cri. Appln.No.568 of 2017 does not survive and the same stands disposed of accordingly.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits,

in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)