

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 792 of 2017

Umesh Shankarrao Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajesh M. Kanajiya for the applicant.

Mr. Ajay Patil, APP for the respondent-State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 15 JUNE 2017**

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No.I-90 of 2017 registered with Naupada Police Station, Thane for the offences punishable under section 420 read with 34 of IPC.
2. The prosecution case is that the complainant was the owner of the car which he wanted to sell in the year January 2017. The complainant intimated his willingness to sell the car to the applicant.
3. In view of that the applicant acted as mediator and introduced accused no.1 as a person who intends to purchase the said vehicle. The complainant thereafter handed over the R.C. book to accused no.1 and agreed to sell the said vehicle for Rs.6,30,000/- accused no.1 also handed over the cheque of Rs.6,30,000/- to the complainant. On receipt of the cheque the vehicle was handed over

to the said accused. However, the cheque was dishonoured and hence the subject FIR was lodged.

4. Learned advocate for the applicant submits that he only acted as mediator in the said transaction. The vehicle was handed over to the co-accused. The cheque was issued by the co-accused to the complainant. The applicant is not beneficiary in the said transaction. He has not committed any offence as alleged in the complaint.

5. Learned APP submitted that the vehicle which is subject of the FIR has been recovered. The co-accused who had purchased the vehicle was arrested. The Sessions Court has rejected the application of the applicant on the ground that whether he is beneficiary or not can only be revealed after custodial interrogation.

6. Taking into consideration, the nature of the allegations made against the applicant and the fact that the vehicle was sold to accused no.1 who had issued the cheque which was dishonoured the applicant can be granted anticipatory bail.

7. Hence I pass the following order;

:: ORDER ::

(i) Anticipatory Bail Application No. 792 of 2017 is allowed.

(ii) In the event of the arrest of the applicant in connection of the C.R. No.I-90 of 2017 registered with Naupada Police Station, Thane, the applicant may be released on bail on executing P.R. Bond in the sum of Rs.20,000/- (Twenty

Thousand only.) with one more sureties in the like amount

(iii) The applicant should report concerned police station as and when called for.

(iv) Application is disposed of.

[PRAKASH D. NAIK, J.]