

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.947 OF 2017

KAWAL CHAMANLAL SHARMA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.Ram Upadhyay, Advocate for the Applicant.

Mr.Avinash Khamkhedkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.
(VACATION COURT)**

DATE : 1st JUNE 2017

P.C. :

1 This is an application for grant of anticipatory bail for a limited period in order to enable the applicant / accused to approach T.T.Nagar Police Station, Bhopal, in pursuant to notice dated 25th May 2017 issued by the said police station, as the applicant / accused is apprehending arrest for the offence punishable under Section 420 of the Indian Penal Code, at the instance of Nimesh Srivastava.

2 Heard the learned advocate for the applicant as well as the learned APP appearing for the State. According to the learned advocate for the applicant / accused, he had entered into an agreement with parents of Nimesh Srivastava and ultimately had handed over some cheques to said Nimesh Srivastava. One of those cheques is honoured but the another is not honoured because of financial crunch. The learned advocate further argued that the applicant / accused had requested the said Nimesh Srivastava to wait for some time. However, in between, the team of Police Officers from T.T.Nagar Police Station, Bhopal, had been to the office of the applicant / accused for investigation in the matter. The learned advocate for the applicant / accused argues that the matter between the parties is purely civil matter and for this purpose he has placed reliance on the agreements annexed with the application. He submits that the applicant / accused is ready and willing to attend the T.T.Nagar Police Station, Bhopal, and for this purpose his liberty be secured up to 3rd June 2017, when he is supposed to attend that court.

3 The learned APP opposes the application by contending that the FIR is not annexed by the applicant / accused to the application.

4 The applicant / accused is claiming pre-arrest bail for temporary period for the offence punishable under Section 420 of the IPC. He is apprehending arrest because of issuance of notice dated 25th May 2017 by T.T.Nagar Police Station, Bhopal, in pursuant to some complaint by Nimesh Srivastava. Perusal of agreements annexed with the application inter-se between the applicant / accused and said Nimesh Srivastava prima facie shows that the dispute is of civil nature, and as such, liberty of the applicant / accused needs to be protected till he attends Police Station at Bhopal for the purpose of investigation. Therefore the order :

- i) The application is disposed of with direction to the respondent that in the event of arrest of the applicant / accused for the offence punishable under

Section 420 of the IPC in pursuant to the report lodged by Nimesh Srivastava, he be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount till 3rd June 2017.

- ii) As a condition of this order, the applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against applicant so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence.
- iii) In the event of inability of the applicant / accused to furnish surety he be released on cash bail of the same amount.
- iv) Parties to act on authenticated copy of this order.

(A. M. BADAR, J.)