

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1219 OF 2017

Ashish Raju Hundekar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.K.M.Chakranarayan i/b. Chakranarayan & Associates, Advocate, for
the Applicant

Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.133 of 2017 registered with the Lashkar Police Station, Pune, for the alleged offence punishable under Section 420 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submits that in fact, the Complainant is doing the business of money lending and as the

Applicant was in need of Rs.1,00,000/-, he had borrowed the said amount from the Complainant. He submitted that the Applicant had paid the said amount alongwith interest and as there was some delay in making the payment, the Complainant was demanding Rs.67,000/- as interest for belated payment. He relied on the Whatsapp messages which are on page Nos.16 & 17 of the said Application.

4. Learned APP states that the Applicant has reported to the investigating officer as directed by this Court vide Order dated 18.07.2017. He submits that the Applicant has handed over the sim card and that the police have handed over the same to the FSL.

5. Perused the papers. It appears that there was some money transaction between the Complainant and the Applicant.

6. 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.25,000/-** 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** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant to cooperate with the conduct of the trial.

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

8. 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.)