

Anand

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

BAIL APPLICATION NO. 1756 OF 2017

Sachin Tanaji Padwal

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Satyavrat Joshi, Advocate, for the Applicant

Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 14.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 175 of 2017 registered with Chakan Police Station, Pune (Rural) under Sections 465, 467, 468, 471, 420, 511, 120B of the Indian Penal Code.

2. It is the prosecution case that the Applicant, Proprietor of M/s. Shriram Transport presented a cheque bearing No.674495 for a sum of Rs.6,00,00,000/- drawn on State Bank of India allegedly issued by Deputy Director, GPO, Calcutta for encashment, with State Bank of India, Chakan branch. That the Applicant also presented a confirmation letter of accused No.5 Nabab Shaikh endorsing that the said cheque was presented at the instance of accused No.5 Nabab Shaikh. That the

Manager of State Bank of India, Chakan branch contacted the drawer of the said cheque for verification of the said negotiable instrument wherein, it was informed that the said cheque is a bogus and fake instrument and was not issued by the concerned authority i. e. Deputy Director, GPO, Calcutta. As the Applicant tried to defraud State Bank of India, Chakan branch by presenting the said bogus instrument, the Branch Manager, State Bank of India, Chakan branch lodged the present crime. During the course of investigation, Applicant came to be arrested on 03.02.2017 and after completion of investigation, police have submitted charge-sheet.

3. The record clearly indicates that the negotiable instrument in question which was presented by the Applicant is undoubtedly a fake and bogus instrument. The record further indicates that a witness namely Sanjay Mule has stated that he was having acquaintance with the Applicant. That the Applicant told him that, he is in need of loan for his business and therefore, the said witness introduced accused No.2 Sanjay Chavan with him. As per the prosecution case itself, it is the accused Nos. 2, 3 & 4 i. e. Sanjay Chavan, Sunil Modak & Sanjay Modak respectively introduced the Applicant with accused Nos. 5, 6 & 7 namely Nabab Shaikh, B. Dada and Sushil Barshinge respectively. That the accused No.5 handed over the said cheque to the Applicant and the

Applicant, thereafter, presented the same for its realization in the State Bank of India, Chakan branch. Prima facie, it appears that the Applicant under the bona fide belief has presented the said cheque for encashment which was handed over to him by accused No.5 Nabab Shaikh, who also accompanied the Applicant to the Bank for endorsing the said negotiable instrument. It further appears from the record that the accused Nos. 5, 6 & 7 i. e. Nabab Shaikh, B. Dada and Sushil Barshinge are instrumental in manufacturing the said negotiable instrument and the said accused persons through the mediation of accused Nos. 2, 3 & 4 i. e. Sanjay Chavan, Sunil Modak & Sanjay Modak gave it to the Applicant.

3. In view of the above, Applicant can be released on bail

Hence, the following Order:

- (i) The Applicant be released on bail in CR No. 175 of 2017 registered with Chakan Police Station, Pune (Rural) on his furnishing PR bond of Rs. 1,00,000/- with one or two solvent local sureties in the like amount;
- (ii) After his release from the jail, the Applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 1.00 p.m. till the conclusion of trial;
- (iii) Applicant shall also attend all the dates before the trial

Court;

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)