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

ANTICIPATORY BAIL APPLICATION NO. 1366 OF 2016

V. Narasimhamurty S/o. Venkatesh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Unmesh A. Breed for the Applicant.
Mr. R. M. Pethe, APP for the State/Respondent.
PSI Mr. Hasan Malani, Malad Police Station, Mumbai present.

CORAM : A.S. GADKARI, J.
DATE : 30th MARCH, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. 265 of 2016 registered with Malad Police Station, Mumbai under Sections 380, 420, 511 of the Indian Penal Code.
2. The First Information Report is lodged by Shri Gopal B. Agarwal. It is stated in the FIR that on 03.06.2016 the complainant received phone call from Axis Bank, Goregaon Link Road, Malad (West), Mumbai informing him that a cheque for an amount of Rs.90,00,000/- bearing No. 591710 of the complainant's company with the signature of Shri Dipak Agarwal has been presented for realization at Bangalore in Axis Bank, Yelhanka Branch, State of Karnataka. The complainant thereafter requested the concerned bank to stop the payment of the said cheque. The complainant made inquiry with the said company and it was revealed that 11 cheques bearing Nos.591707 to 591713, 591720, 591756, 591771,

591773 duly signed by the Director of that company, Shri Dipak Agarwal have been stolen from the office and one of the cheques have been presented for realization at the afoestated Yelhanka Branch of Axis Bank in the city of Bangalore. It is, therefore, reported to the police that some unknown person has committed an act of theft in the office of the complainant and the said cheques have been stolen. In the premise the FIR is lodged.

3. During the course of investigation, it is revealed that accused No.1 Manjunna Birayya has committed the said act of theft of cheques in the office of the complainant. That the said Manjunna thereafter handed over one duly filled cheque to co-accused Mr. Anandkumar Ashwat for its realization in the aforestated bank. It is further revealed during the course of investigation that Manjunna Birayya thereafter tried to realize the said cheque by writing the aforesaid amount on it and realizing in account of Mr. Anandkumar Ashwat, owner of M/s. SLM Cement Concrete Block Co. The record reveals that the applicant was accompanied the said Manjunna Birayya when he went to deposit the cheque with the Axis Bank at Yelhanka Branch, Bangalore City and apart from the said fact has no active role to play in the present crime. The said fact has been revealed from the C.C.T.V. footage which is seized by the police.

4. In view of the above, the applicant deserves to be released on pre-arrest bail.

5. Hence the following order:

- (i) In the event of arrest in C. R. No. 265 of 2016 registered with Malad Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.15,000/- with one or more local sureties in the like amount.
- (ii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.
- (iii) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]