

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

ANTICIPATORY BAIL APPLICATION NO. 1677 OF 2017

Faizan Ahmed Mushtaque Ahmed & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

Mr. Bhushan Deshmukh for the Applicant.

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

Mr. S.T.Karnavar, PSI attached to Killa Police Station.

CORAM : A.S.GADKARI, J.

DATE : 28th SEPTEMBER, 2017

P.C.:

. The Applicants are apprehending arrest in C.R. No. 54/2017 dated 24.08.2017 registered with Killa Police Station, District Nashik under Sections 420, 406, 465, 468, 504 and 506 read with Section 34 of Indian Penal Code.

2 The First Information Report is lodged by Mr. Pravin Tibrewal, alleging that the Applicants herein purchased goods i.e. cotton yarn (thread) from the first informant from their factory amounting to Rs.9,48,931/- and gave three post dated cheques to the employee of the first informant. When the first informant returned from his native place, he realized that the said cheques were bogus and/or sham cheques. The first informant therefore, contacted to the Applicants who gave him evasive replies for the same. That the Applicants neither paid the said amount to the first informant, nor returned the goods purchased by them. In

the premise, the first information report is lodged.

3 Learned Counsel for the Applicants submitted that as a matter of fact, the Applicants had given post dated cheques to the first informant and after payment of the said amount in cash, they took back the original cheques and kept colour photocopies of the same with the first informant. That on the basis of the said colour photocopies of the cheques, the present crime is registered. He submitted that the investigation of the present crime is based on documents and therefore, the custodial interrogation of the Applicants is not necessary. He therefore, prayed that the Applicants may be granted pre-arrest bail.

4 It is the specific contention of the Applicants that they have paid the said amount of Rs.9,48,931/- to the first informant in cash. However, the Applicants are unable to produce any receipt in that behalf and therefore, the said contention cannot be taken into consideration as a truth. The record clearly indicates that the Applicants had handed over post dated cheques which undoubtedly are bogus cheques. That indubitably the act committed by the Applicants is of serious nature and requires thorough investigation.

6 In view of the above, this Court is of view that Applicants does not deserve to be released on bail.

7 Hence, Application is rejected.

(A.S.GADKARI, J.)