

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1785 OF 2017

1) MANOJ LALCHAND SINGH	)
2) JABBAR SATTARAJ MALI	)
3) SMT.VAISHALI CHIRAG SHAH	)
4) KALIM KASAM KHAN	)
5) ALIM KASAM KHAN	)...APPLICANTS

V/s.

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

Mr.C.K.Talekar, Advocate for the Applicants.

Ms.J.S.Lohokare, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th OCTOBER 2017

P.C. :

1 This is an application by applicants who are accused in Criminal Case No.469 of 2016 for releasing them on bail in the event of their arrest for the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard the learned advocate appearing for applicants / accused in said Crime No.469 of 2016. He submitted that, infact, applicants have deposited entire amount covered by the cheque in the City Civil Court, Mumbai, and their application for discharge is still pending before the concerned court.

3 The learned APP opposed the application by contending that such relief need not be granted and applicants can apply for cancellation of non-bailable warrant before the concerned court.

4 I have considered the rival submissions. It appears that the court of the learned Additional Chief Judicial Magistrate at Nagina, Uttar Pradesh, has issued non-bailable warrant against all applicants in Criminal Case No.469 of 2016 for the offence punishable under Section 138 of the Negotiable Instruments Act. What is sought for is only a transit anticipatory bail in order to enable applicants / accused to approach the concerned court for taking out appropriate proceedings. Statement is made before this

court that the entire amount of the subject cheque is already deposited by applicants / accused before the City Civil Court, Mumbai. In this view of the matter, the following order :

ORDER

- i) The application is allowed.
- ii) In the event of arrest in Criminal Case No.469 of 2016 for the offence punishable under Section 138 of the Negotiable Instruments Act, pending on the file of learned Additional Chief Judicial Magistrate at Nagina, Uttar Pradesh, for a period of three weeks from the date of this order, applicants / accused shall be released on bail on their executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount, by each of them.
- iii) Applicants / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.
- iv) Applicants / accused shall not tamper with the evidence in any manner.
- v) The application stands disposed of.

(A. M. BADAR, J.)