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

ANTICIPATORY BAIL APPLICATION NO.2211 OF 2017

Janaardhan Dnyanu Jadhav & Anr.

..Applicants

Vs

The State of Maharashtra

..Respondent

Mr. S.R. Phanse, for applicants.

Mr. Amit Palkar, ,APP for State.

Mr. S.P. Kadam, for original complainant.

Mr. Mahendra B. Jadhav, P.H., Koregaon Police station present.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018

P.C.:

1] By an Order dated 20th December 2017, the applicants were granted interim relief and were directed to attend the concerned Police Station on stipulated dates, to join the process of investigation.

2] Heard the learned counsel for the applicant, the learned counsel for the first informant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Mr. Rajendra Jadhav. The prosecution case in brief is that, the informant is in the business of collecting milk from the villagers and selling it to the applicants who are having milk chilling plant under the name and style M/s J.J. Farms situated at village Kinhai at Taluka Koregaon, District Satara. The understanding between the applicants and the informant was that, the informant will provide milk to the applicants for their dairy products and after 10 days the applicants will pay him the agreed charges of supplied milk. That the informant supplied substantial quantity of milk to the applicants amounting to Rs.48,49,730/-. It is alleged that, the applicants did not pay the said amount to the informant. That the farmers/villagers who had provided milk to the informant started demanding their amounts. The informant persuaded the applicants to make his payment. The applicants thereafter issued five cheques to the informant amounting to Rs.48,49,730/- which on presentation have been dishonoured. In the premise the first information report is lodged under section 420 read with 34 of the Indian Penal Code.

4] The leaned counsel for the applicants submitted that, the applicant No.1 is a proprietor of the firm namely M/sJ.J. Farms and the applicant No.2 has nothing to do with the same. He fairly conceded the fact

that, five cheques amounting to Rs.48,49,730/- issued by the applicants in favour of the first informant were dishonoured on presentation. The police record indicates that, the applicants jointly and severally represented the informant that they will pay him necessary charges/amounts towards supply of milk after ten days from the date of delivery of milk which undoubtedly they have not paid till today. The statements of the villagers/farmers to the effect that they used to provide milk to informant and in turn informant suppose to further supply it to the applicants herein are on record. It is an admitted fact that, the cheques issued by the applicants in favour of the informant towards payment of milk charges were bounced on presentation.

5] It is to be noted here that, non-payment of the said charges prima facie give rise to an offence punishable under section 420 of the Indian Penal Code. Prima facie it appears that, since inception the applicants were having malafide intention of non-payment of the amounts towards the said milk. The investigation of the present crime is at crucial stage and with a view to unearth the entire truth behind the crime, through interrogation of the applicants is necessary.

6] After taking into consideration the serious allegations against the applicants and the gravity of offence, this Court is of the considered view that, the applicants do not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)