

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 316 OF 2018

Prasad Gangadhar Inamdar. .. Applicant.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr. N. P. Mule, for the Applicant.
Mr. Deepak Natu i/by N. Deepak & Co. for the Respondent No.2.
Mr. S. H. Yadav, APP for the Respondent/State.
Mr. M. V. Lange, PN, Pali Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 16th APRIL, 2018.

P. C. :

1. Heard learned counsel Mr. Mule, for applicant, learned APP and learned counsel Mr. Natu for respondent No. 2/original complainant. The applicant involved in crime No. 81/2017 registered with Pali police station, Taluka Sudhagar(Pali), District Raigad under section 420, 406 r.w. 34 of Indian Penal Code has filed this application for anticipatory bail. Applicant is found protected from his arrest by interim order dated 21st February, 2018 by this Court with a condition to attend investigating officer. Learned counsel for applicant submits that in compliance to such condition, applicant has attended investigating officer and his statement is recorded.
2. Offence is found registered on the basis of complaint

lodged, by the complainant alleging that he had executed Sale Deed in respect of is two properties admeasuring 0 H. 5 R. and 0 H. 39.9 R, respectively situated at Village Widsai in favour of applicant for total consideration of Rs 40 Lakhs, for which applicant issued three cheques each of Rs. 20 Lakhs and one cheque dated 28th February, 2017 valued for Rs. 20 Lakhs which however, was dishonoured as per applicant's instructions to stop payment. As such it is the case of complainant that applicant has cheated him by Rs.20 Lakhs by avoiding to make his payment and for that purpose had initiated proceedings under Section 138 of Negotiable Instruments Act.

3. This Court noting that the facts involved in this crime are in the nature of civil dispute, between the parties, had granted interim protection to applicant. On instructions learned APP makes a statement that investigation is complete and even otherwise complainant has also adopted recourse available under law, under section 138 of Negotiable Instruments Act and applicant in compliance to interim order attended investigating officer. In that view of the matter, no custodial interrogation of applicant is found necessary. Application is therefore, liable to be allowed. Hence, the order;

ORDER

- (i) Order passed on 21st February, 2018 stands confirmed on same terms and conditions.

(21) aba-316-18

(ii) Application is allowed.

[P. N. DESHMUKH , J.]