



namely Shanti Hardware. That the informant demanded bill of the said goods. The applicant did not give it and therefore, the transaction of payment of money could not be completed. It is the prosecution case that, on 25.5.2018 at about 8.00 a.m. the applicant alongwith co-accused Hemant Jain barged into the residential premises of the informant, assaulted him and thereafter committed robbery of the valuable ornaments which were lying in the said premises. The applicant and other accused persons thereafter fled away from the scene of offence.

3. The learned counsel for the applicant submitted that, as a matter of fact the applicant and co accused are having business relations with the first informant. She submitted that the first informant in his report has admitted that, he used to purchase necessary hardware from the shop of the co accused and towards the part payment of the price of the said articles the informant issued a cheque of Rs.50,000/- in favour of M/s. Shanti Sales Corporation, however the same is dishonoured. She submitted that after dishonour of the cheque the informant as an afterthought has belatedly lodged the present crime with a view to avoid his part of obligation to make the payment of the said goods purchased by him. She submitted that, as a matter of

fact, the applicant and other accused persons did not commit any act as contemplated under Section 394 of the Indian penal Code and therefore the applicant may be protected by pre-arrest bail.

4. The first information report lodged by the informant is self eloquent. The first informant has admitted the fact that, there was business transaction between the applicant and the co- accused on one side and the informant on the other side, as the informant had purchased hardware material from the shop of the co-accused namely Shanti Sales Corporation belonging to the co-accused. It is also a matter of fact that, the informant had issued a cheque of Rs.50,000/- in favour of the said Shanti Sales Corporation which was dishonoured on 12.5.2017. It is to be noted that, there is no proximity between the dishonour of cheque and the lodgment of the present crime. The present crime is lodged with a specific allegation of robbery against the applicant and co-accused. It is specifically alleged that, the applicant and other accused persons committed robbery of valuable golden ornaments of the informant from his residential premises. The police are yet to recover the said ornaments and the same is not possible without there being

thorough interrogation of the applicant and the co-accused by the police. The investigation of the present crime is at nascent stage. If the applicant is granted pre-arrest bail, it may cause impediment and hurdle in the process of further investigation.

5. In view of the above and after taking taking into consideration the serious allegations against the applicant and the gravity of the offence this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)