

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1802 OF 2017

Ajitkumar K. Yadav vs. State of Maharashtra

WITH

ANTICIPATORY BAIL APPLICATION NO.1464 OF 2017

Kiran R.Shah vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Subodh Desai i/by Ashok Dhanuka for the Applicants.

Mr. Ameet Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 31st January, 2018

P.C:

1. By a reasoned Orders dated 10.10.2017 and 18.8.2017 the applicants were granted interim relief and directed to attend the Investigating Officer on stipulated dates.

2. Heard the learned counsel for the applicants and the learned APP. Perused the record of investigation.

3. The first information report is lodged by Mr. Jaywant Choudhary, Police Hawaldar attached to CISF Unit at RCF, Mumbai. It is the persecution case that Mumbai Municipal Corporation had given a contract of repairing of a nalah which is in

the precincts of RCF Mumbai. The Municipal Corporation had given contract to repair the nalah to M/s. Ten Constructions Company. Mr. Kiran Shah is the owner of Landmark Co-operation Pvt. Ltd. Company and the applicant Ajitkumar is the plant supervisor of the said company. M/s. Ten Constructions company had given a contract Ready Mix Cement (RMC) to M/s. Landmark Co-operation Pvt. Ltd. It is alleged that on 16.5.2017 at about 5.00 p.m. the first informant suspected about the mixer carrying RMC of the applicants, inspected it and found that though the said mixer was empty an Invoice of 6-cubic meter of cement concrete amounting to Rs.30,000/- was drawn in that behalf with a view to mislead the Inspecting Personnel posted on the gate of RCF and thereby caused loss to the Mumbai Municipal Corporation.

4. After perusing the first information report and the record of investigation, it prima faice appears that the said Land Mark Co-op. Pvt. Ltd. had attempted to commit the said offence of cheating thereby trying to pass/enter the empty cement mixer inside the RCF precincts with Invoice of 6-cubic meter of cement concrete therein. Thus, it is the case against the applicants that that applicants have committed the alleged offence under Section 420 of the I.P.C. The

record indicates that the police have already seized the said Invoice. It further appears that the said mixer was also seized by the police however, thereafter it was released on Indemnity bond during the course of the investigation. In view thereof, the applicants deserve to be protected by pre-arrest bail.

5. The interim relief granted to the applicants by Orders dated 10.10.2017 and 18.8.2017 are hereby confirmed. However, the condition to attend the Investigating Officer of the concerned police station is waived.

6. Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)