

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2013 OF 2017***

Dipesh Navin Chande	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Ujwal R. Agandsurve, for the applicant.
Ms. Veera Shinde, APP, for the State.
Mr. J.S.Bankar, PSI, Jail Road Police Station, Solapur City present.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 5th January, 2018.***

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C.
2. The applicant herein is apprehending his arrest in Crime No.301 of 2017 registered at Jail Road Police Station, Solapur for the offences punishable under section 420 read with Section 34 of the Indian Penal Code.
3. It is the case of the prosecution that one Rajgopal Somani lodged a report at the Jail Road Police Station, Solapur on 4.7.2017 alleging therein that he happens to be a trader in grains and lentils. He has his own shop in Siddheshwar Market Yard at Solapur. On 20.5.2017, the present applicant

had allegedly called upon the complainant and informed him that United Exports Pvt.Ltd.'s proprietor Kirti Devji Bhakkad has requested Jowar. As per the booking and demand, the first informant had transported 161.5 quintals of Jowar worth Rs. 8,90,775/- to United Exports Pvt.Ltd. United Exports had also issued a receipt to that effect. However, he had not received the payment towards jowar which he had transported to United Exports Pvt.Ltd. It is alleged that he enquired with the present applicant, who happens to be the booking agent. The applicant had denied paying the said amount. On the basis of the said report, Crime No.301 of 2017 is registered at Jail Road Police Station. The co-accused i.e. the proprietor of United Exports Mr. Kirti Bhakkad (Bhanushali) was arrested on 5.7.2017 and has been enlarged on bail.

4. The learned counsel for the applicant vehemently submits that the applicant only happens to be a booking agent and it was Bhanushali who was liable to make payment as he had received the consignment. It also appears that Kirti Bhakkad had issued a cheque to the first informant which is dishonoured and the complainant has filed proceedings under Section 138 of the Negotiable Instruments Act.

5. In view of the abovementioned facts, the interim relief granted

vide order dated 28.11.2017 deserves to be confirmed on the same terms and conditions.

(SMT. SADHANA S.JADHAV, J.)