

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.170 OF 2019

Narendra Prakash Redkar, Age 37 years,
Occ.Estate Agent, R/o.E-2/001, Gaurav City,
Mayor Bungalow, Near Beverly Park,
Kanakiya, Mira Road, Thane-401107.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Akshay Bhalerao for applicant.

Mr.S.R.Agarkar, APP, for State.

Ms.Prachiti Gadkari, PSI, Jogeshwari Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st January 2019

PC :

1. This is an application for anticipatory bail in connection with MECR No.7 of 2018 registered with Jogeshwari Police Station for offence under Section 420 r/w 34 of Indian Penal Code. On the basis of private complaint filed by the complainant, the FIR was registered for the aforesaid offences.

2. The first informant started searching property to buy a new house at Mira Road. A meeting was proposed by the applicant between first informant and other accused Sandip Rai, being the owners of the property intended to be purchased by the first informant. A cheque of Rs.51,000/- came to be issued as and by way of token amount in favour of accused. The token amount was credited in the account of accused. The intended sale-purchase

transaction concerning the flat was between first informant and the co-accused. On cancellation of the said transaction, two cheques were issued in the sum of Rs.30,000/- and Rs.20,000/- by the co-accused in favour of first informant. The said cheques were dishonoured. The complaint was lodged with police, however, cognizance was not taken. Hence, he filed private complaint in which directions were issued u/s 156 of Code of Criminal Procedure. The contention of the applicant is that Rs.51,000/- has not been credited in his account. The applicant had handed over cheque purported to have been signed by the co-accused to the complainant. It is the case of prosecution that the account from which the cheques were issued, does not belong to the co-accused Sandip Rai and the said account belongs to one Pardeshi. However, the case of applicant is that the cheques which were handed over by the co-accused, were given to the complainant. There is nothing to show that Rs.51,000/- was credited to the account of applicant. Taking into consideration the nature of controversy, custodial interrogation of the applicant is not necessary.

3. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.170 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with MECR No.7 of 2018 registered with Jogeshwari Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties;

(iii) The applicant shall report the investigating officer on 28th, 29th and 30th January 2019 between 11 and 1 pm.

(PRAKASH D. NAIK, J.)

MST