

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

ANTICIPATORY BAIL APPLICATION NO. 417 OF 2019

Rajendra Humraj Kolapkar	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. P.N. Mare I/by Mr. Nitin C. Kamble for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Sambhaji Tagad, PSI, Vikroli Police Station

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th FEBRUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 275 of 2018 registered with Vikhroli Police Station for the offences punishable under Sections 420, 406, 504 read with 34 of Indian Penal Code. First Information Report was lodged on 28th August, 2018.
2. The applicant had preferred an application for anticipatory bail before the Sessions Court which was rejected vide order dated 6th February, 2019.
3. The case of the complainant is that first informant was in search of agricultural land and accused No.1 was known to the

father of the complainant. He showed land of the present applicant which was admeasuring 2.5 acres. Consideration of the said land was Rs.35,00,000/-. The informant did not have sufficient money. Accused No.1 stated that he is ready to buy the said land in partnership. On 20th September, 2013, the informant paid Rs.3,00,000/- to Sanjay Thate. However, agreement was not executed. It is alleged that amount of Rs.1,00,000/- was paid to the applicant. On 25th September, 2013, when the complainant wanted to execute the agreement, she was informed by the applicant that he had received Rs.1,00,000/- from the accused No.1. In the Earnest Note, it was stated that the purchaser was accused No.1 alongwith informant. Thereafter, the accused No.1 started avoiding the execution of agreement. On 20th April, 2017, the complainant approached the applicant and asked for refund of Rs.1,00,000/-. Applicant gave five cheques of Rs.20,000/- each which were dishonoured. The complainant also demanded an amount of Rs.4,40,000/- from the accused No.1. However, she did not receive the said amount.

4. Learned counsel for the applicant submits that applicant has not committed any crime. Major amount was parted to the co-accused. In compelling circumstances, the applicant was required

to stop the payment of cheques.

5. Learned APP on instruction submits that applicant has indulged in similar transaction and cheques issued by him were dishonoured and complaints are filed under Section 138 of Negotiable Instruments Act. It is further submitted that during the course of investigation it was revealed that the property purportedly to be sold to the complainant in the present case was already sold to another person. Considering the aforesaid factual matrix, no case for grant of anticipatory bail is made out. Hence, application is rejected.

(PRAKASH D. NAIK, J.)