

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1190 OF 2019

G. B. Rajasekar

...Applicant.

Vs.

**State of Maharashtra
(Through Sr. PI Sanjay Nagar
Police Station, Dist. Sangli)**

...Respondent

**Mr. Kuldeep S. Patil, for the applicant.
Smt. A. A. Takalkar, for the State.**

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 03, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.260/18 registered with Sanjay Nagar Police Station, District Sangli, under Section 420 of IPC.

2. The FIR is lodged on 10/12/2018 by one Rangarao Ingle. The first informant was a small scale industrialist. The first informant got acquainted with the present applicant during business transaction with their common client namely "Sweet Confectionary Kupwad MIDC". Initially, the applicant placed an order for laminated films for which the applicant transferred Rs.3 Lakhs on 7/5/2017 in the account of the first

informant's Company. Thereafter, there were regular business transactions and on the instructions of present applicant, first informant's products were sent to M/s. Nisarga Enterprises, Nagpur. On 16/10/2017 also present applicant transferred Rs.5 Lakhs through RTGS and instructed the first informant to deposit it for the transaction with M/s. Nisarga Enterprises.

3. It is further alleged in the FIR that on 16/10/2017 his Company provided goods having value about more than Rs.2 Lakhs and thereafter there was amount of more than Rs.5 Lakhs outstanding from the present applicant. It is further mentioned that since January 2018, the present applicant was inaccessible and the payment for outstanding bills was not made. Based on these allegations, the FIR was lodged.

4. Heard Mr. Kuldeep Patil for the applicant and Smt. A. A. Takalkar, Ld. APP for the State. Shri. Patil submits that present applicant was merely an employee of M/s.Schmecken Agro Food Products. He further submitted that the allegations in the entire FIR show that there was business transaction between the parties and there was no intention of cheating which makes out any criminal offence. Shri. Patil invited my attention to the appointment letter of the

applicant issued by M/s. Schmecken Agro Food Products and also to his resignation which was accepted by said Company on 10/8/18. The applicant has annexed copy of the affidavit executed by the Proprietor of M/s. Schmecken Agro Food Products wherein he has shown willingness to settle the account of the first informant.

5. Ld. APP on the other hand submitted that the allegations in the FIR do not point to mere business transactions but the allegations show that criminal offence was committed. She further submitted that aforesaid M/s. Schmecken Agro Food Products is now closed and not in existence.

6. The FIR was lodged on 10/12/18 i.e. nearly after more than 11 months of the default in payment. The FIR shows that there were regular business transactions between the first informant and the Company of the present applicant. Therefore, there appears to be a civil dispute for non payment of outstanding bills. There is nothing to show that right from inception or even thereafter the applicant had any intention to cheat the first informant. In any case, the applicant, as shown from the documents annexed to this application has resigned from the Company with whom the first informant's Company had

business transactions. Therefore, no purpose will be served by custodial interrogation of the present applicant. The nature of evidence would be consisting of documentary evidence. Therefore, considering all these aspects, the application can be allowed. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R. No.260/19 registered with Sanjay Nagar Police Station, District Sangli, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two sureties in like amount.
2. The applicant shall attend Sanjay Nagar Police Station from 17/6/2019 to 20/6/2019 between 3.00 p.m. to 5.00 p.m. and shall co-operate with the investigation.
3. Breach of this condition would entitle the State for seeking cancellation of the relief granted to the present applicant.
4. The application is disposed of.

(SARANG V. KOTWAL, J.)