

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1665 OF 2019**

Vinayak Govindcharya Joshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. M. S. Mohite I/b Mr. Vivek S. Babar for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 29th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-116 of 2019 registered with the Shrinagar Police Station, Thane, for the alleged offences punishable under Sections 403 and 420 of the Indian Penal Code.

3 Learned counsel for the applicant submits that no offence as alleged is disclosed *qua* the applicant, inasmuch as, the cheque in question

was given by the complainant to the applicant, pursuant to a business transaction between them. He submits that the complainant has not disclosed the said business transaction in the complaint lodged by him against the applicant.

4 Learned A.P.P, on instructions, submits that during the course of investigation, it is transpired that the cheque was given by the complainant to the applicant in the year 2013, which was encashed in 2018, pursuant to a business transaction between them. Learned A.P.P has tendered the statement of the complainant-Santosh Shinde, wherein , he has stated that when he checked his cheque book, he realized that the said cheque (bearing No. 283114) was given to the applicant on 22nd March 2013, for a sum of Rs. 1,00,000/-. The same is fortified by the slip in the cheque book maintained by the complainant. It is not in dispute that the amount mentioned in the cheque is Rs. 1,00,000/-.

5 Considering the aforesaid, custodial interrogation of the applicant, in the facts of the present case, is not warranted. Accordingly,

the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when required.

6 The application is accordingly disposed of.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.