

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

ANTICIPATORY BAIL APPLICATION NO.2067 OF 2018

Mahendra S/o.Krishnadev Roy

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Mr.Bhagat Sharan Gopal, Advocate for the Applicant in ABA 2067 of 2018.

Mr.Prashant Jadhav, APP for the Respondent – State.

Ms.Chaula Solanki i/b. M/s.H.H. Nagi & Associates, Advocate for the Intervener in ABA 2067 of 2018 and Criminal Application No. 539 of 2015.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 17, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.11 of 2018, registered with Lokmanya Tilak Marg Police Station, Mumbai, for the offence punishable under Section 420 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 10th January, 2018.

2 According to the complainant, goods in the nature of clothes were supplied to the accused and towards the said delivery, the accused has issued 24 cheques amounting to

Rs.3,37,25,758/-. The said cheques were dishonoured with remark "Payment stopped by drawer". Learned counsel for the applicant submits that the dispute is of civil nature. Applicant is a honest businessman and on account of the difficulty which is beyond his control, payment could not be made. It is further submitted that the liability, as claimed by the complainant, is not established. There are no documents in support of the complaint. Applicant has settled the matter with another person. It is further submitted that the applicant is in jail for about six months in another case, which creates difficulty to the applicant to make payment.

3 Learned APP submitted that the applicant is liable to pay the huge amount to the complainant. Other cases are also registered against him. Learned counsel for the intervener also reiterated submissions of the learned APP. It is submitted that the applicant is a habitual offender and are involved in similar cases.

4 I have perused the FIR and the order passed by the Sessions Court. The claim of the complainant is that the clothes were delivered to the applicant-accused having value, as stated above. Applicant has issued about 24 cheques amounting to

Rs.3,37,25,758/-. The said cheques were dishonoured. Considering the submissions advanced by both the parties and the nature of allegations made against the applicant, I do not find that the case for granting relief under Section 438 of Code of Criminal Procedure is made out and hence the anticipatory bail application is rejected and disposed of.

5 At the request of learned counsel for the applicant, applicant is granted two weeks time to surrender.

(PRAKASH D. NAIK, J.)