IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 358 of 2019

Sushil Tiwari
Vs.
State Through P.S. Gittikhadan, Nagpur City

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Gajendra Saoji, Advocate for applicant.
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 11, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 26/04/2019, whereby offences under Sections 420, 465, 468 & 471 of the Indian Penal Code registered against the present applicant and other accused persons.

2. The allegation made against the accused persons in the present case is that they duped the complainant into paying a huge amount of Rs.36,00,000/- on the pretext of arranging admissions in the Indira Gandhi Medical College, Nagpur. Specific allegation against the applicant is that he was shown as a person working in the said Institution, who facilitates such admissions and that when the complainant raised grievance in this matter, he issued three cheques for

the aforesaid amount towards return of the amount, but, all the said cheques were dishonoured.

3. It is pointed out by the learned counsel for the applicant that other two main accused i.e. his son and friend of his son, who were said to be actively involved in duping the complainant have been granted regular bail by the Sessions Court. It is pointed out that for dishonour of the said cheques, the complainant has already initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881. It is further submitted that the applicant is ready to co-operate with the investigation and that he has in fact not played an active role in the present case.

4. Although, the learned APP has opposed grant of anticipatory bail, but, a perusal of reply-in-affidavit on behalf of the non-applicant shows that specific role attributed to the applicant appears to be issuance of cheques towards refund of amount, which eventually were dishonoured.

5. Considering the fact that the complainant has already initiated proceedings concerning the dishonour of cheques and the main co-accused persons have been already granted bail, the present application deserves to be allowed.

6. Hence, it is directed that in the event, the

applicant is arrested in Crime No.295 of 2019, registered at Police Station Gittikhadan, Nagpur City, he shall be released on furnishing PR bond of Rs.25,000/- and surety in the like amount. The applicant shall attend the aforesaid Police Station every week i.e. on Sunday between 10:00 AM to 5:00 PM, till filing of charge-sheet. The applicant shall co-operate with the investigation. He shall not tamper with the evidence or influence the witnesses.

6. Application is allowed in above terms. Hamdast is allowed.

JUDGE

MP Deshpande