IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 ANTICIPATORY BAIL APPLICATION NO. 973 OF 2020

Dr. Laxmi Umesh Bharti,
Age. 50 years, Occ. Household,
R/o. Sali Wada, Khultabad,
Tq. Khultabad, Dist. Aurangabad. ...Applicant.

Versus

The State of Maharashtra. ...Respondent.

Advocate for Applicant : Mr. S.J. Salunke.
APP for Respondent : Mrs. G.L. Deshpande.

CORAM : MANGESH S. PATIL, J.
DATE : 03.11.2020

Per Court :

This is an application 438 of the Code of Criminal Procedure, seeking bail in the event of arrest of the applicant in Crime No. 475/2020, registered with MIDC Waluj Police Station, Aurangabad, for the offences punishable under Section 419, 420, 465, 467, 468, 471, 473, 120-B, 511, 34 of I.P.C.

2. In nutshell the allegations are to the effect that false and bogus cheque pretending it to be issued by Toyota Motors Private Limited for an amount of more than Rs. 36 Crores was presented by the petitioner with her bankers for encashment. It transpired that the cheque was bogus and was not issued by

the company. The signatures of its Managing Directors and Director Finance were forged on it. The offence was registered when an FIR was lodged by a Senior Officer of the company.

3. Learned Advocate Mr. Salunke for the applicant vehemently submits that the applicant is a President of a Public Trust duly registered and engaged in social and cultural activities. She had received the cheque by Post. Under a *bona fide* belief of having received some donation she had presented the cheque for encashment. Soon after realising the mistake she herself had written a letter to the concerned police station informing about it. There are no criminal antecedents. The cheque has never been encashed. There is no question of any misappropriation or delivery of property. At the most it was a failed attempt. Nothing is to be recovered from the applicant. Her custodial interrogation is not necessary. Following the principles laid down by the Supreme Court in the case of **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others, AIR 2011 SC 312,** she deserves to be granted anticipatory bail.

4. Learned APP strongly opposes the application. She submits that the offence is serious. The applicant must have been aware that there was some

mischief and still was bold enough to present the cheque for encashment. Had there been no queries raised by the Bank officials, the cheque would have been encashed. Since, it is a matter of commission of a serious offence involving forgery, custodial interrogation of the applicant is necessary to reveal other culprits. The learned APP further points out that though the applicant is now pretending to have informed the concerned police station in writing, the letter is dated 09.09.2020. However, even before she received the cheque she had enquired with the officer of the Bank and disclosed her intention to present the cheque for encashment. It is improbable that without she being in know of all the facts, she could have made such a query even before receiving the cheque in her possession which according to her was received by post. The learned APP, therefore, submits that there is enough material to reveal involvement of the petitioner in the crime and her custodial interrogation is necessary for completing the investigation. There is every possibility of her tampering the evidence if she is granted anticipatory bail.

5. The learned APP further points out that several cases regarding dishonour of cheque punishable under Section 138 of the Negotiable Instruments Act, have been lodged against the applicant.

6. I have carefully gone through the papers. The applicant is admitting about having presented the dubious cheque for encashment. Without anything else, simply bearing in mind that a huge amount of Rs. 36 Crores 51 Lakhs was attempted to be withdrawn by presenting the cheque, in all probabilities the applicant must have been aware of all the consequences. It would be a sheer lame excuse now to pretend that she was under a *bona fide* belief that she had received the cheque possibly by way of donation. There is no record to demonstrate that the activity of the trust which she heads undertakes the activities of such a magnitude that a multinational company would pay a donation to this extent.

7. Further, as is stated by the learned APP, though the applicant claims to have received the cheque by post, even before the date on which she allegedly received the cheque she had made an enquiry with the Bank official disclosing her intention to present a cheque of huge amount for encashment. This *prima facie* discloses that she must have been planning to present the cheque.

8. Considering the *modus operandi*, it does not seem to be a handy work of a person or two. There is every room to belief that the applicant must have conspired with several other persons and managed to make the attempt to

withdraw the money.

9. Considering the facts and circumstances, in my considered view the applicant is not entitled to derive any benefit from the decision in the case of **Siddharam Satlingappa Mhetre** (supra).

10. Taking into account the over all conspectus of the matter, involvement of the applicant in commission of the crime is apparent and her custodial interrogation is imperative.

11. The application is rejected.

(MANGESH S. PATIL, J.)

S.P.C.