

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 BAIL APPLICATION NO.1344 OF 2020

SHAIKH SADEK SHAIKH WAHED
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kanade Angad L.
APP for Respondent-State : Mr. A. A. Jagatkar.
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CORAM : V. K. JADHAV, J.
DATE : 14.12.2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.185 of 2020 registered with City Police Station Beed, District Beed for the offences punishable under Sections 409, 465, 467, 468, 420 of the IPC. His application with similar prayer bearing Criminal Bail Application No.729 of 2020 came to be rejected by the learned Additional Sessions Judge, Beed.

2. The learned counsel for the applicant submits that, on the basis of the complaint lodged by the Plantation Officer Social Forestry Range, Beed from the Forest Department, the crime came to be registered. The learned counsel submits that on 30.03.2019, the shed net worth of Rs.92,500/- (Rupees

Ninety Two Thousand Five Hundred only) was purchased from the present applicant, who is Proprietor of Taj Agency, Beed. After supply of shed net, the Forest Department has issued a cheque dated 31.03.2019 for an amount of Rs.92,500/- (Rupees Ninety Two Thousand Five Hundred only). However, the validity of the said cheque was expired and consequently, it was not encashed. The applicant thus filed an application dated 30.07.2019 for re-issuance of the cheque, however, the Forest Department has not responded to it. Finally on 15.06.2020, a fresh cheque dated 29.05.2020 for an amount of Rs.92,500/- (Rupees Ninety Two Thousand Five Hundred only) was issued in favour of the applicant. It has been alleged that the applicant has prefixed the digit '8' and withdrawn the amount of Rs.8,92,500/- (Rupees Eight Lacs Ninety Two Thousand Five Hundred only) in stead of Rs.92,500/- (Rupees Ninety Two Thousand Five Hundred only) under the said cheque. The learned counsel submits that *prima facie* there is no evidence as to who has carried out the said correction or addition or prefixing the digit '8'. Even the concerned bank has also passed the said cheque despite the correction, if any and accordingly the amount under the cheque has been paid.

The learned counsel submits that now the investigation is over and the charge-sheet has been submitted. The applicant is a Proprietor of Taj Agency having no criminal history, so far. He is in the business of supply of shed net, pipes etc. mostly required for the purpose of irrigation. The applicant in order to show his bonafide, has deposited an amount of Rs.5,00,000/- (Rupees Five Lacs only) before this Court. The applicant is ready to abide the conditions, if imposed by this Court. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that *prima facie* there is a strong case. The applicant has mischievously added the said '8' digit in the cheque issued in his favour and thereafter withdrawn the substantial amount from the bank. In fact, the price of the said shed net is only Rs.92,500/- (Rupees Ninety Two Thousand Five Hundred only), however, the applicant by adding digit '8' withdrawn an amount of Rs.8,92,500/- (Rupees Eight Lacs Ninety Two Thousand Five Hundred only) from the bank. The applicant may not be released on bail.

4. On going through the allegations made in the complaint

and on perusal of the charge-sheet, it appears that the applicant is in jail in connection with the present crime since 07.08.2020. There is no criminal history. This is only the single incident. The applicant is a Proprietor of Taj Agency dealing in the business of supplying various articles like shed net, pipes etc. necessary for the purpose of irrigating the land. It is also the fact that the applicant has supplied the shed net worth of Rs.92,500/- (Rupees Ninety Two Thousand Five Hundred only) to the Forest Department. It also appears that even though the validity of the cheque was expired, under this or that pretext, the Forest Department has not issued a fresh cheque for a considerable period. It is also part of the record that even though there was some addition on the cheque with some different ink and hand writing, the bank has cleared the cheque. The applicant in order to show his bonafides has deposited an amount of Rs.5,00,000/- (Rupees Five Lacs only) in the Court. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order :

ORDER

1. The application is hereby allowed.
2. The applicant SHAIKH SADEK SHAIKH WAHED in connection with Crime No.185 of 2020 registered with City Police Station Beed, District Beed for the offences punishable under Sections 409, 465, 467, 468, 420 of the IPC, be released on bail on furnishing PB. of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] An amount of Rs.5,00,000/- (Rupees Five Lacs) deposited before this Court shall be transferred to the Trial Court and the Trial Court shall pass the appropriate order in respect of the amount of Rs.5,00,000/- (Rupees Five Lacs) deposited by the applicant before this Court, at the conclusion of the trial.
3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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