

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

CRIMINAL BAIL APPLICATION NO. 1533 OF 2019

Arif Ahmed Koya

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Zaigam Rizvi, Advocate for the Applicant.

Ms. Pallavi N. Dabolkar, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 27th January, 2020

PC :

1. This is an application for bail in C.R. No. 136 of 2018 registered with Pusegaon Police Station for offences punishable under Section 406, 420 of Indian Penal Code. The applicant was arrested on 12th January, 2019.

2. The case of the prosecution is that the complainant is a merchant of onion and ginger. He met the applicant to whom he sold onion and ginger products of Rs.15,29,201/-. The accused gave cheques of HDFC bank Shimoga Branch. On presentation with bank, the cheques were dishonoured.

3. Learned Counsel for the applicant submits that the dispute arises out of contractual obligation. Cheques were dishonoured. The

proceedings under Section 138 of Negotiable Instrument Act were not initiated. The applicant is in custody for a period about one year.

4. Learned APP submitted that, clear case of cheating is made out. The applicant had no intention to make the payment to complainant which is fortified by the fact that even the cheques which were issued by him were dishonoured. The amount of more than 15 Lakhs is involved in this case.

5. It is noted that the applicant is in custody for more than one year. The disputes relates to sale of onion and ginger. Considering the fact that, applicant is in custody from the date of arrest, further detention of the application is not necessary. Bail can be granted on certain terms and condition.

ORDER

- i) Bail Application No. 1533 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 136 of 2018 registered with Pusegaon Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount;
- iii) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted

by the Court.

iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)