

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 125 OF 2020

Bapu Genubhau Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

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Ms. Sana Raees Khan i/b Hulyalkar & Associates i/b Janaki Ravi
Krishnan, Advocate for the Applicant.

Mr. M. G. Patil, APP for the State-Respondent.

Mr. S. E. Kondhalkar, P.C. Lonikand Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 10 of 2020 registered with Lonikand Police Station, Dist. Pune for offence punishable under Section 420 r/w Section 34 of Indian Penal Code.

2. The FIR was lodged on 4th January, 2020. The prosecution case is that the complainant is owner of Sadanand Roadways Transport Company and he was having 7 vehicles. With the help of Ganesh and Narayan complainant met applicant. They entered into agreement to hand over all vehicles for sale to accused for an amount of Rs.25,50,000/-. At the time of agreement all vehicles were given in the custody of the accused. On the same day accused paid amount of Rs. 1 Lakh but later on took an amount of Rs. 50,000/-. The

applicant also deducted sum of Rs. 1 Lakh as an old debt and it was decided to purchase land in lieu of amount of Rs. 24 Lakhs. The amount was not paid. The accused executed agreement dated 8th August, 2018 and handed over two cheques Rs. 11,50,000/-. Both the cheques were dishonoured. Accused had paid an amount of Rs. 7,50,000/- and the balance amount was not paid. The accused cheated and defrauded him. The complainant has initiated 138 proceeding in respect to the dishonoured cheques which are pending.

3. Learned counsel for the applicant submitted that the dispute relates to the commercial transaction. Complaint Under Section 138 of Negotiable Instrument Act, is pending in the Court. The applicant had paid an amount of Rs. 7,50,000/-. Custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that agreement was executed. Cheques were issued which were dishonoured. Proceeding Under Section 138 of Negotiable Instrument Act were initiated. Part payment is made. Hence, custodial interrogation of the applicant is not necessary.

5. Hence, I pass the following order. :

ORDER

- i) Anticipatory Bail Application No.125 of 2020 is allowed;

- ii) In the event of arrest of applicant in C.R. No. 10 of 2020 registered with Lonikand Police Station, Dist. Pune, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 29th, 30th, & 31st January, 2020 between 11.00 a.m. to 1.00 p.m.
- iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)