

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 630 OF 2020

Ganesh Janardan YadavApplicant

v/s.

The State of MaharashtraRespondent

Mr. Aniket Nikam i/by. Mr. Vivek N. Arote,
Advocate for the applicant.

Mr. S.S. Pednekar, APP for the State.

API, Rahul Ghuge, Saswad Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Friday, 20th March, 2020.

P.C. :

1. Heard.

2. Applicant is seeking his pre-arrest bail in connection with Crime No.15/2020 registered at Saswad Police Station, Pune for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. It is prosecution's case that, on 18th February, 2019 the complainant had sold her property to Rahul Ramchandra Shewale and two others, by executing registered sale-deed for the total consideration of Rs.20 lakhs. Recitals of the sale-deed show that, the possession of the property was handed over to the purchaser upon execution of the sale-deed.

4. It is prosecution's case that, Rahul Shewale (purchaser) had issued four bearer cheques to the complainant, all were dated, March-February, 2019 aggregating Rs.19.60 lakhs. These cheques were admittedly encashed by the complainant. However, it is alleged that, on the pretext of settling issue of "possession" of the property, the applicant had demanded Rs.14.60 lakhs from the complainant, which the complainant had paid to the applicant. Bearer cheques issued by Mr. Shewale, in the month of February-March, 2019 and further amount, allegedly paid by the complainant to the applicant, prima-facie, appears to be a independent transaction. More so, though it has been alleged that, applicant had

taken Rs.14.60 lacs from the complainant, for settling the "possession" issue of the property, but it appears to be not probable in view of the recitals in the sale-deed, qua 'possession', as stated hereinabove.

5. Admittedly, it may be stated, though the sale-deed was executed in February, 2019 and the additional three cheques were encashed in March, 2019, the complaint was lodged in January, 2020.

6. Prima-facie, the allegations made in the complaint do not constitute reasonable ground to believe the applicant's complicity in commission of offences punishable under Sections 406 and 420 of the Indian Penal Code and therefore his custodial interrogation is not necessary. In view of this, in the event of arrest of the applicant in C.R. No. 15/2020 registered at Saswad Police Station, Pune he shall be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

7. The applicant shall report to the Investigating Officer on 31st March, 2020 and thereafter on 8th April, 2020 between 11 am to 1 pm and co-operate in the investigation.

8. The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

9. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)