

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2019

Hitesh Ishwarbhai JoshiApplicant

v/s.

The State of MaharashtraRespondent

Mr. Mukesh B. Yadav, i/by. Mr. Akhilesh Upadhyay,
Advocate for the applicant.

Mrs. J.S. Lohakare, APP for the State.

API, D.B. Mupade, MIDC Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Monday, 17th February, 2020.

P.C. :

1. Heard.

2. Co-accused Pravin Kumar Jain has been enlarged on bail who had allegedly forged the signature of the complainant on the cheque and had withdrawn Rs.3,12,550/- from the HDFC Bank, Hiranandani Branch, Powai with whom the account of the complainant is maintained.

3. Prosecution has alleged, the applicant was working with the complainant firm, M/s. Diva Exports Private Limited wherein he facilitated the stealing of the cheque of the complainant's firm and had handed over the same to the co-accused who thereafter forged the signature of the complainant and withdrew Rs.3,12,550/-.

4. The learned APP, on instructions, from the Investigating Officer states that co-accused, Pravin Kumar Jain has been granted regular bail and further on instructions submits that Pravin Kumar Jain has paid the entire amount (stolen property) of Rs.3,12,500/- to the complainant. He further submits that the Investigating Officer has recorded the statement of the complainant. The statement is accepted.

5. In view of the facts as stated, in my view, custodial interrogation of the applicant is not required and hence the following order :

6. In the event of arrest of the applicant in C.R. No. 3/2019 registered with MIDC Police

Station, Andheri for the offences punishable under Sections 379, 406, 420, 465, 467, 468, 470 and 471 of the Indian Penal Code, he shall be released on bail on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or two sureties in the like sum.

7. The applicant shall attend the concerned Police Station as and when called.

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.)