

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 ANTICIPATORY BAIL APPLICATION NO.832 OF 2021

GHANSHYAM SUDHAKAR KOLI
VERSUS
THE STATE OF MAHARASHTRA

Mr.Joslyn Menezes, Advocate for the applicant.
Mr.V.M. Kagne, APP for the respondent/State.

CORAM : SANDEEP K. SHINDE, J.
DATED : 02.08.2021

PC :-

01. Heard. Apprehending arrest in connection with Crime No.53 of 2021, registered with Yawal Police Station, Dist. Jalgaon, for the offences punishable under sections 420, 506, 34 of the Indian Penal Code, the applicant seeks pre-arrest protection.

02. The complainant is onion merchant. He had supplied onions to M/s. Jai Matadi Traders. M/s. Jai Matadi Traders had issued cheques to the complainant towards discharge of dues. These cheques were dishonoured for want of sufficient funds. Where-after the complainant filed a complaint bearing No.167 of 2020 against Sandip Sudhakar Koli - brother of the applicant, under section 138 of the Negotiable Instruments Act and section 420 of the Indian Penal Code. It was filed on 5th December, 2020. I have perused the complaint. It does not make

any reference to the present applicant in context of supply of onions and/or discharge of dues at all. On the contrary, the complaint suggests Sandip Sudhakar Koli [applicant's brother] being proprietor of M/s. Jai Matadi Traders had issued cheques to him. It is not known whether learned Judicial Magistrate, First Class, has issued process or not and if issued whether it was issued for the offence punishable under section 420 of the Indian Penal Code.

03. Be that as it may, on 28th January, 2021, the complainant filed a first information report alleging that the applicant cheated him over transaction of supply of onions. Where-after Crime No.53 of 2021 was registered against the applicant and his brother under section 420 of the IPC. Co-accused (brother of the applicant) was arrested and released on bail. It may be noted that the complaint filed by the complainant before the JMFC, Yawal under section 138 of the Negotiable Instruments Act and section 420 of the IPC does not ascribe role to the applicant at all. On consideration of these facts, in my view custodial interrogation of the applicant shall not further prosecution case, yet, applicant's presence for the investigation and trial can be secured by imposing suitable conditions.

04. For the aforesaid reasons the application is allowed. In the event of arrest of the applicant, the applicant shall be released on bail on executing bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in like amount. The applicant shall join the investigation as and when called by the Investigating Officer.

05. The application is accordingly allowed and disposed of.

[SANDEEP K. SHINDE,J.]