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

ANTICIPATORY BAIL APPLICATION NO. 156 OF 2020

BHARAT KUMAR PUNMAJI PARMAR .. APPLICANT

VS.

THE STATE OF MAHARASHTRA .. RESPONDENT

Mr. Akhilesh Chaubey a/w. Mr. Virendra Pandey, Mr. Vipul Yadav
i/b. Mr. Sanjeev Mishra for applicant.

Mr. N.B. Patil, APP for the State.

Mr. Biradar, API, Goregaon Police Station, Mumbai.

CORAM : M.S.KARNIK, J.

DATE : NOVEMBER 24, 2021

P.C.:-

Heard learned counsel for the applicant and learned APP.

2. This is an application for pre-arrest bail in connection with C.R.No.571 of 2018 registered with Goregaon Police Station, Mumbai under Sections 420, 465, 468, 471 of the Indian Penal Code.

3. The First Information Report (FIR) is dated 16/10/2018. It is the case of the first informant that there is an overwriting in a cheque which he had issued on 7th March, 2016 in favour of the applicant. The cheque was of an amount of Rs.15 lakhs.

According to the informant, the date of issuance of cheque is 7th March, 2016 is changed to 7th August, 2016. As result of this overwriting, therefore the complaint.

4. Learned counsel for the applicant submits that the applicant is a Director of infrastructure company supplying ready mix concrete to the purchasers. The informant owed an amount of Rs.85 lakhs to the applicant. The informant issued three cheques amounting to Rs.85 lakhs in the sum of Rs.35 lakhs, Rs.35 lakhs and Rs.15 lakhs each. So far as two cheques of Rs.35 lakhs are concerned, the same came to be dishonoured and hence the applicant has filed proceedings under Section 138 of the Negotiable Instruments Act before the competent Court sometime in the year 2017.

5. So far as the cheque which forms the basis of the FIR in respect of which overwriting is alleged, was deposited on 12/11/2016 and the same was not honoured in view of the remark "account is closed". So far as this cheque is concerned, a notice under Section 138 of the Negotiable Instruments Act was sent by the applicant on 5/11/2016. The proceeding under Section 156(3) of the Code of Criminal Procedure is filed thereafter on 9/9/2017 by the complainant alleging overwriting.

6. The cheque in question (original) is already with the investigating officer. The applicant is willing to give his

handwriting sample to the investigating officer. In this view of the matter, in my opinion, the custodial interrogation of the applicant is not required. Hence the following order.

ORDER

1. In the event of arrest of the applicant in connection with C.R.No.571 of 2018 registered with Goregaon Police Station, Mumbai, the applicant be released on bail on his executing PR bond of Rs.25,000/- with one or more sureties in the like amount.
2. The applicant shall co-operate with the investigation and shall report to the investigating officer as and when called.
3. The application is disposed of.

(M.S. KARNIK, J.)