

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

ANTICIPATORY BAIL APPLICATION NO. 360 OF 2020

Ravindra Sukhdev Vairal

... Applicant

Versus

The State of Maharashtra & Ors.

... Respondents

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Mr. Mahesh Vaswani a/w Ms. Dharini Nagda with Ms. Shreya Tiwari, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

Ms. Warungal, (P.S.I.) L. T. Marg Police Station, Present.

Mr. Umashankar Babulal Chaurasia, Complainant present in Court.

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CORAM : PRAKASH D. NAIK, J.

DATE : 20th SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.104 of 2020 registered with L.T. Marg Police Station, Mumbai for offences 406 & 420 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The applicant had submitted undertaking dated 19th February, 2020. The applicant had paid Rs.1,00,000/- to the complainant in cash. Vide order dated 28th February, 2020 it was recorded that the complainant was present in the Court and he had acknowledged the receipt of the money. The applicant thereafter,

undertaken to pay Rs.1,00,000/- by Demand Draft on or before 9th March, 2020. The applicant was granted interim protection and the application was adjourned to 17th March, 2020.

3. The applicant has filed additional affidavit to place on record that he has paid Rs.1,00,000/- by pay order to the complainant in pursuant to order dated 20th February, 2020. The complainant is present in the Court. He acknowledged receipt of the further amount of Rs.1,00,000/-. Thus, complainant has received an amount of Rs.2,00,000/-. The complainant has contended that he was entitled for an amount of Rs.3,00,000/- from the applicant. This fact is disputed by applicant.

4. Learned counsel for the applicant submitted that the amount has been paid to the complainant to show bonafides. The undertaking has been accepted by this Court and he has complied the said undertaking.

5. Learned APP submitted that original documents are to be recovered from the applicant. Learned counsel for the applicant submitted that question of holding any original document does not arise. The photo copy of the documents were already handed over to the complainant.

6. Considering the factual aspects, interim order granted earlier by this Court can be confirmed.

7. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 360 of 2020 is allowed;

(ii) Interim order dated 28th February, 2020 is confirmed.

(iii) In the event of arrest of the applicant in connection with C.R. No.104 of 2020 registered with L.T. Marg Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

(iv) The applicant shall attend the investigating officer as and when called for till filing of charge-sheet.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)