

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 697 OF 2020

Jagdish Singh Kalusingh Bhati

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

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Mr. Onkar Mane, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent-State.

Mr. S. J. Mishra, Advocate for the Respondent No. 2.

Mr. Vijay Maladkar -PSI, Dahisar Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st JANUARY, 2021.

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 32 of 2020 registered with Dahisar Police Station for the offences punishable under Sections 420 and 409 of Indian Penal Code, 1860 ("IPC" for short). The First Information Report ("FIR" for short) was registered on 23rd January, 2020.

2. The applicant appears to be a dealer in heavy machineries. The complainant had agreed to purchase certain machinery from the applicant for consideration of Rs.2,07,68,000/- out of which the complainant had paid Rs. 15 Lakhs by way of an advance. However, the transaction could not be performed. It was failed. Towards the refund of amount of Rs.15 Lakhs, the applicant

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had issued two cheques in favour of complainant, which were dishonored and the complainant has initiated the proceedings under Section 138 of Negotiable Instrument Act.

3. During the pendency of this proceeding, the applicant had deposited an amount of Rs. 15 Lakhs in this Court.

4. Considering the fact that the amount of Rs. 15 Lakhs which was purportedly paid to the applicant by the complainant has been deposited. The interim protection granted to the applicant by this Court, can be confirmed.

5. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 697 of 2020, is allowed;
- ii) In the event of arrest of the applicant in connection with C.R. No.32 of 2020 registered with Dahisar Police Station, the applicant be released on bail on executing P. R. Bond in the sum of Rs.25000/-(Twenty Five Thousand), with one or more solvent sureties in the like amount;
- iii) In the event, the charge-sheet is filed, the amount of Rs.15 Lakhs deposited in this Court be

transferred to the Trial Court;

- iv) The parties to the proceedings are at liberty to prefer an application for the return of the amount of Rs. 15 Lakhs;
- v) In the event, such application preferred, the Trial Court shall decide the same in accordance with law;
- vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)