

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

ANTICIPATORY BAIL APPLICATION NO. 848 OF 2019

1. Mohammed Shahid Haji Rahematulla
2. Mohammed Azhar Haji Rahemtulla Applicants

Versus

The State of Maharashtra & Ors. Respondents

Mr. N. R. Bubna for Applicants.
Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 72 of 2019 registered with Shivaji Nagar Police Station, Ichalkaranji, Dist. Kolhapur, under sections 406, 420 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by one Sanjay Kumbhar. He was working as a Clerk with Shubhsneh Textiles Pvt. Ltd. The company has its main office at Ichalkaranji and a branch office at Malegon. He has stated that, in

the trade of cotton, the transactions are completed through commission agents. One Bhavarlal Jangid from Malegaon had frequently visited the informant's company's office at Ichalkaranji. There were many transactions with him and the company trusted him. On 12/06/2017 Bhavarlal approached company's office at Ichalkaranji. He told that M/s. A. R. Textile at Malegaon wanted 145 boxes weighing around 8700 Kg. of Cotton. The informant had a talk with one of the partners of M/s. A. R. Textile. It is the case of prosecution that, both the applicants are the partners of the said firm. According to their demand, goods worth Rs.16,51,115/- were given to this firm through the company's godown at Malegaon. The invoice dated 12/06/2017 was issued for that purpose. Subsequently, the bill was not paid and the applicants started threatening the informant. On this basis the F.I.R. was lodged.

3. Heard Shri. Bubna, learned counsel for the applicants and Shri. Yadav, learned APP for the State.

4. On 25/01/2021, I had directed the learned APP to file an affidavit, but till today no such affidavit is filed. I am deciding

this application today because it is pending since the year 2019.

5. Shri. Bubna invited my attention to the order dated 28/02/2020 wherein it was recorded that the applicant had deposited Rs.13,50,000/- in this court out of the amount of Rs.16,51,115/- mentioned in the F.I.R. It was recorded that the applicants were willing to deposit the balance amount or were willing to give it to the respondents. Shri. Bubna made a categorical statement that, since then the respondents have not approached either the applicants or their counsel and, therefore, he did not deposit the balance amount.

6. Today, learned counsel for the Respondent Nos.2 and 3 are not present. In this view of the matter, the applicants have sufficiently established their bonafides. It appears to be a civil dispute and majority of the amount is deposited in this court. Therefore, custodial interrogation of the applicants is not necessary in this case.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 72 of 2019 registered with Shivaji Nagar

Police Station, Ichalkaranji, Dist. Kolhapur, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- (ii) The amount deposited in this court shall be invested in a Fixed Deposit scheme as per rules and it shall be renewed from time to time as per rules.
- (iii) Both the parties are at liberty to make appropriate application for withdrawal of such amount in future.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)