

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.984 OF 2019

Sharad Kisan Kamble

Applicant

versus

The State of Maharashtra

Respondent

Mr.Anil Lalla i/by Lalla & Lalla, Advocate for applicant.

Ms.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2021

PC :

1. The applicant is apprehending arrest in CR No.370 of 2018 dated 8th December 2018 registered with Trombay Police Station, Mumbai under Sections 420, 406 r/w 34 of Indian Penal Code.
2. The complainant has alleged that from February 2018, Sharad Kamble, Shashikant Limbare, Bhimrao Kamble and Sanjay Gaikwad had accepted Rs.5 lakh from complainant for providing job to her children in Mumbai Municipal Corporation.
3. Mr.Lalla, learned counsel for applicant submitted that much prior to lodging of present crime, on 29th August 2018 the applicant had made the complaint to the Senior Inspector of Trombay Police Station against Bhimrao Kamble, Sanjay Gaikwad and Shashikant Limbare. The applicant parted Rs.3 lakh to the said persons for providing job to his son in Municipal Corporation. In the said complaint it was also alleged that the aforesaid persons had accepted Rs.5 lakh from Nanda Adsul (complainant in present FIR) and

another person. The applicant also forwarded complaint to Police Commissioner and other authorities on 9th October 2018 and 10th October 2018 stating that the aforesaid persons had accepted amount from applicant, Nanda Adsul and Rashid Shaikh. Nanda Adsul and her family is harassing him and his family. The wife of applicant lodged complaint on 15th October 2018 and 31st October 2018. The FIR was registered on 8th December 2018. The complainant is making false allegations against applicant. Towards refund of amount, cheque of Rs.3 lakh was given to applicant by Shashikant Limbare which was dishonoured. The applicant has filed complaint under Section 138 of Negotiable Instruments Act. The applicant is one of the victim.

4. Learned APP, per contra, on instructions from the Investigating Officer submitted that as a matter of fact, the first informant herein had filed the written complaint on 24th August 2018 with Police Station and after conducting preliminary enquiry, present crime is registered.

5. I have perused the complaints lodged by applicant against other accused who had deceived him. The applicant is also one of the victim who has parted an amount of Rs.3,00,000/-. Cheque issued by the co-accused Shashikant Limbare for returning the amount given by the applicant, was dishonoured and complaint u/s.138 of Negotiable Instructions Act has been filed by the applicant.

6. This Court has granted interim protection to the applicant vide order dated 24th April 2019. While granting interim protection it was observed that though the complaint was received by Police on 24th

August 2018 from the informant, after a gap of more than three months, the FIR was registered. Considering the aforesaid circumstances, interim protection granted to applicant can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 24th April 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.370 of 2018 registered with Trombay Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST