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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2931 OF 2021**

S. Thiagarajan	Applicant.
V/s	
State of Maharashtra	Respondent

Mr. Shrikant Rathi i/b Gulab Yadav for the Applicant.
Ms. A.A. Takalkar, APP for the Respondent/State.
Mr. Jagdish G. Aradwad (Reddy) for original complainant.
API Santosh Shete, EOW-1, New Mumbai, present.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 29, 2021

P.C.:-

1] Learned APP informs that charge-sheet is already filed in the matter which is not annexed with the application. Counsel for the Applicant insists that matter can even be heard without charge-sheet.

2] Applicant came to be chargesheeted in Crime No.124 of 2021 registered with MIDC Police Station for the offence punishable under sections 34, 406 and 420 of the Indian Penal Code

3] Submissions of learned Counsel for the Applicant are
(a) complainant had already initiated proceedings under section 138

of the Negotiable Instruments Act, (b) Applicant is not fleeing from process of criminal prosecution as he has deep roots in the Society, (c) necessary ingredients of Sections 406 and 420 are not established and investigation in the matter is already completed.

4] While opposing the prayer, learned APP, apart from bringing criminal antecedents of similar nature to the notice of this Court, submits that Applicant does not deserve bail, keeping in mind mode and manner in which offence is committed. It is further claimed that Applicant has not cooperated with the investigation.

5] Considered submissions.

6] In spite of filing of charge-sheet before Magistrate's Court, Applicant has chosen not to produce the same but has taken a chance to argue the matter on merit. The fact that Applicant has received processing fee of Rs 1,51,000,00/- can be inferred from the record. Even if the Applicant claims that he is facing proceedings under Negotiable Instruments Act and the case is contractual in nature based on agreement dated 29/1/2021, however this Court cannot be

insensitive to the very conduct of the Applicant. Applicant is prima facie involved in the financial offence which has far-reaching implications on the business and financial activities of the complainant. There are criminal antecedents of similar nature against the Applicant. No case for bail is made out. Application for bail stands rejected.

(NITIN W. SAMBRE, J.)