

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.131 OF 2022

PRAJAKTA MAHENDRA AGRAWAL AND ANOTHER
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A. S. Barlota h/f Mr. V. A. Bagdiya
APP for Respondent-State : Ms. Vaishali Patil Jadhav

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
21-02-2022**

**Date of Pronouncing The Order :
28-03-2022**

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No.51 of 2022, registered with Sadaar Bazar Police Station, Jalna District Jalna, for the offence punishable under Section 406, 420 r.w.34 of IPC.
2. Heard learned Advocate Mr. A. S. Barlota holding for Mr. V. A. Bagdiya for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

3. The FIR has been lodged by one Jawahar Shankarlal Dembda. He has stated that he had friendly relationship with Mahendra Girdhari Agrawal. Said Mahendra was the husband of applicant No.1 and son of applicant No.2. Mahendra had induced him to invest amount with him and it was offered to him that Mahendra as well as the applicants and the informant would start construction business in Jalna. According to him after the promises were made he had given amount of Rs.25 lakh in cash in 2019 to Mahendra, but he could not get any indication that Mahendra was investigating that amount as set out by them in the construction business. He says that Mahendra had told him that though he intended to purchase ten acres of land in Jalna but the prices have gone up, and therefore, he should pay more amount. Thereafter, the informant further gave amount of Rs.25 lakh in January 2020 and at that time a writing on the bond paper of Rs.100/- was given by Mahendra. However, after the lockdown, the transactions came to halt. Mahendra expired due to COVID-19 on 11th July 2020. The informant states that after some time when he contacted the applicants, they avoided, and thereafter, it was realised by the informant that he has been cheated.

4. Perusal of the police papers especially the bond paper would show that it was given in writing that cheque bearing No.904816 was given by Mahendra in favour of the informant drawn on State Bank of India, Jalna Branch. Photocopy of that cheque is also given which is for Rs.50 lakh. Important point to be noted is that in the FIR the informant is totally silent as to what he had done with that cheque. The cheque was bearing date as 04-07-2020. That date also appears to be surprising for the simple reason that as per the FIR Mahendra expired on 11-07-2020 due to COVID-19 i.e. within seven days of issuance of the cheque.

5. The entire contents of the FIR show that the transaction is civil in nature. Possibility that the informant had not deposited the said cheque for encashment and then the period/duration of the cheque would have come to an end, and therefore, the FIR has been lodged, cannot be ruled out. Taking into consideration the contents of the FIR, physical custody of the applicant is not required. This Court had granted interim protection to the applicants on 04-02-2022, that order deserves to be confirmed, accordingly it is confirmed. Hence, following order.

ORDER

- 1) The application stands allowed.
- 2) The interim protection granted by this Court on 04-02-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of applicants Prajakta Mahendra Agrawal and Giridharilal Shivdas Agrawal, in connection with Crime No.51 of 2022, registered with Sadaar Bazar Police Station, Jalna District Jalna, for the offence punishable under Section 406, 420 r.w.34 of the IPC, they be released on PR of Rs.50,000/- each (fifty thousand) with two solvent sureties of Rs.25,000/- each (twenty five thousand).
- 3) The applicants shall remain present before the Investigating Officer as and when called and co-operate with the investigation.
- 4) The applicants shall not tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.