

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.385 OF 2022

NAVAL RAMANLAL BORA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent : Mr. A. A. Jagatkar
...

CORAM : S. G. MEHARE, J.

DATE : 22-07-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. It has been alleged against the applicant that he could not pay the complainant amount of Soyabin sold to him. It is mentioned in the first information report that the complainant has business transaction with the applicant before the present incident. He was promptly paying the money for the agricultural produce sold to him. However, he could not pay the consideration of the Soyabin purchased from the applicant. Therefore, the complainant lodged a report that the applicant has cheated him. It has also been alleged that the applicant has issued a cheque towards part payment of the agricultural produce. However, it was dishonoured.

3. Learned counsel for the applicant has vehemently submitted that the applicant had never the dishonest intention to cheat any of his customers. However, his business run in to financial crises; therefore, he could not pay the money to the sellers of the agricultural produce. He never issued cheque to his customers which came to be dishonoured. No offence of Section 420 of the Indian Penal Code is made out. It is purely a civil dispute. However, as usual, the civil dispute has been given a criminal colour. The applicant has business to purchase the agricultural produce from the agriculturists and sell it in open market on credit. However, the applicant did not receive the credit from the business man, to whom he had sold the agriculture produce. He has done his business honestly. He wanted to stand in the market once again. The custodial interrogation of the applicant would serve no purpose. Hence, the applicant may be released on anticipatory bail. He has also relied on his own case with similar allegations in which the pre-arrest bail has been granted to him.

4. The learned APP has vehemently argued that the applicant has committed a big fraud. He sold agricultural produce in the open market, but did not pay the consideration to the agriculturists. He has put the agriculturists to huge loss. He is absconding. He should show *bona fide* by paying part payment to the agriculturists. His arrest is essential to know where he has invested the money which he had made from selling the

agricultural produce purchased from the agriculturists and many others.

5. Perused the application and investigation papers. It appears that prior to this incident, the complainant has business transaction with the applicant. However, he could not pay the last payment of Rs.2,74,700/- to the applicant. He has a specific stand that his business has been collapsed due to failure to recover the credit in time. It seems a pure civil transaction. The cheque was issued to the applicant, however, it was also dishonoured. The legal remedy to recover the money is available to the applicant. The business of anybody may collapse for many reasons. In view of the allegations levelled against the applicant, this Court is of the view that the custodial interrogation of the applicant would serve no purpose. Hence, the application deserves to be allowed.

i) The application is allowed.

ii) In the event of arrest, applicant Naval Ramanlal Bora be released on bail, on executing PB and SB of Rs.25,000/- with one solvent surety of like amount, in C. R. No. I-2 of 2021, registered with Newasa Police Station, Taluka Newasa, District Ahmednagar, for the offence punishable under Sections 420, 406, 409 of the Indian Penal Code.

(S. G. MEHARE)
JUDGE