

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

**ANTICIPATORY BAIL APPLICATION NO.1803 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO.1804 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO. 1829 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO.1832 OF 2022**

Anand Ramgopal Sarda
Verses

..Applicant

The State of Maharashtra & Anr

..Respondents

Mr. Sanjiv P. Kadam a/w. Adv. Piyush Toshnival, Adv. Prashant Raul,
Adv. Mayur Sanap i/b. Adv. Nilabh N. Toshnival for the Applicant
Ms. Geeta P. Mulekar, APP for Respondent No.1.
Mr. Piyush Kumar Sancheti for Respondent No.2

CORAM : NITIN W. SAMBRE, J.

DATE : 27th SEPTEMBER, 2022

P.C.

1. The story of the prosecution is, the complainant was in the business of supply of cloths, as such received order from co-accused. Accordingly cloth goods were supplied to the co-accused. The cheques issued by the co-accused against the supplies of goods were dishonored on the ground that the account is closed, as such the offence of cheating.
2. The role attributed to the applicant is that of acting as a middleman/agent in transactions of supply of goods.

3. The case of the prosecution is, the applicant is a middleman/agent, responsible for taking the entire transactions to its logical end. It is claimed that the applicant was entitled for commission out of the transaction. It appears that from the transaction the applicant was benefited and as such, he being having shared common intention with the co-accused is alleged to be responsible for the offence of cheating.

4. Mr. Kadam, learned counsel appearing for the applicant would urge that the investigation does not reflect that the applicant has played any active role in the commission of offence or the applicant is beneficiary of an amount either out of the said transactions or money transacted in the said business. He would urge that it is only after completion of the transactions, the applicant use to get commission which till this date in the transactions in question was not received by him.

5. He would further urge that the applicant is neither responsible for dishonor of cheques nor have the intention of co-accused not to pay the consideration.

6. The learned APP assisted by learned counsel for the complainant would urge that the investigation reflects that the applicant has played role of agent/middleman. It is claimed that

the applicant might have been benefited out of the transaction as the goods were supplied, which were further traded in the market. However, the consideration intentionally not paid. It is claimed that the custodial interrogation of the applicant is also necessary.

7. I have appreciated the said submissions.

8. It appears that the offence alleged is based on the business transaction *inter se* between the complainant and third party. The role attributed to the applicant is only that of agent/middleman.

9. In the aforesaid background, considering the role played by the applicant in the transaction, it cannot be said that the applicant at any point of time is benefited out of the business of supply of cloths to the co-accused and was instrumental in ensuring that the payment is not made to the complainant or cheques should be dishonored to.

10. There is hardly any material to connect applicant to the crime in question particularly when the applicant is neither the signatory to the cheque nor beneficiary in transaction.

11. That being so, a case for grant of protection is made out.

12. In the event of arrest of applicant in crime nos. 194 of 2022, 181 of 2022, 195 of 2022 and 182 of 2022 registered with Ichalkaranji police station for the offence punishable under

sections 420, 405, 506 r/w 34 of IPC, applicant be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

13. The applicant shall attend the Investigating Officer from 10/10/2022 to 13/10/2022 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

14. The applicant shall neither tamper with evidence nor influence the witnesses in any way.

15. The application stands disposed of.

[NITIN W. SAMBRE, J.]