

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

ANTICIPATORY BAIL APPLICATION NO.437 OF 2021

Abhijeetsingh Jethavsingh Jadeja

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Sachin R. Pawar for the Applicant.

Ms Rutuja Ambekar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.300 of 2019 registered with Rabale Police Station, Navi Mumbai, for offences punishable under Sections 420 and 406 r/w. 34 of the IPC.

2. Heard Mr. Sachin Pawar, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Ashok Narayan Pawar. The Complainant is in the business of

renting scaffolding material. It is the case of the Complainant that co-accused Nilesh Chavan placed an order for some material worth Rs.36,35,804/- on rental basis. The co-accused had deposited an amount of Rs.3,00,000/- and he was required to deposit Rs.50,00,000/- towards security. On 08/08/2018 19,750 kg scaffolding material was sent to the co-accused-Nilesh. Subsequently, co-accused Nilesh sent a vehicle to collect some additional material, which the Complainant refused to supply since he had not deposited the security deposit. The Complainant has stated that the co-accused Nilesh failed to pay Rs.22,80,000/- towards the rental charges of the scaffolding material, which was already supplied. He has stated that he has neither returned the material nor paid the money as agreed and hence lodged the FIR, pursuant to which the aforesaid crime has been registered.

4. The FIR is lodged after considerable delay. Moreover, the Applicant is not named in the FIR. Learned APP submits that despite instructions, the Investigating Officer has not remained present and that she is unable to specify as to how the Applicant has been implicated in the said crime. There is no prima facie material to link the Applicant with the aforesaid crime.

5. Considering the above facts and circumstances, in my

considered view this is a fit case for pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.300 of 2019 registered with Rabale Police Station, Navi Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount ;
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicant shall keep the Investigating Officer his current address and mobile contact number, and /or change of residence or mobile details, if any from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)