

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

ANTICIPATORY BAIL APPLICATION NO. 803 OF 2022

Vidyasagar Kallappa Khavate	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Balwant V. Salunkhe for the applicant
Ms. S. S. Kaushik, APP for the respondent – State
Mr. Vijay Jadhav, API, Jodbhavi Police Station - present.

CORAM : NITIN W. SAMBRE, J.

DATED : 23rd September, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime no. 343 of 2021 registered with Jodbhavi police station for the offence punishable under sections 420 & 34 of IPC.
3. The applicant alongwith other co-accused has purchased seed oil cake from the complainant and a cheque was issued towards liability. Neither the cheque was honoured nor the amount was paid, as such offence in question.
4. The contentions are, the complainant has an alternate remedy for recovery of an amount under section 138 of Negotiable Instrument Act and the proceedings are arisen out of

contractual obligations.

5. I have appreciated the said submissions.

6. It is the fact that the applicant has taken delivery of seed oil cake from the complainant and has not paid the complete consideration which can be inferred from the records.

7. A cheque issued by the applicant was also dishonoured. As such, the necessary ingredients of cheating are made out.

8. As such, the application stands dismissed.

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(NITIN W. SAMBRE, J.)