

Diksha Rane

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2022.12.05
19:39:28
+0530

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

ANTICIPATORY BAIL APPLICATION NO.2217/2022

HITESH SINGH SHANKAR SINGH RAO ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. N. M. Nadar a/w. Mr. Lalit Modi for the applicant.
Mr. Kapil Dave for intervener.
Mr. S. V. Gavand, APP for State.
Ms. Rupali Kadam, PSI, L. T. Marg Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2022.

P.C. :

1. This is an application for pre-arrest bail in respect of the offence registered with L. T. Marg Police Station vide C.R.No.0798/2022 for the offence punishable under Sections 409, 420 of the Indian Penal Code, 1860.

2. The transaction between the parties pertains to the complainant's supplying gold chains to the applicant. The applicant failed to pay the amounts and therefore, it is alleged that he cheated the complainant.

3. Learned counsel for the complainant submitted that out of outstanding dues of Rs.19 lakhs due and payable to

the complainant, an amount of Rs.4 lakhs was paid by the applicant. Two cheques of Rs. 5 lakhs came to be issued, which were dishonoured.

4. Today, learned counsel for the applicant has placed on record the affidavit-cum-undertaking along with the demand draft of Rs.1.5 lakhs. The affidavit-cum-undertaking is taken on record.

5. Learned counsel for the complainant, on instructions, has been gracious enough to submit that some indulgence may be shown to the applicant despite his doubtful *bonafides*.

6. Looking at the past conduct of the applicant, it is necessary to test the *bonafides* of the applicant as to whether he will really abide by the affidavit-cum-undertaking. The demand draft of Rs.1.5 lakhs is taken on record.

7. The applicant is personally present in the Court. Through his advocate he submits that he will honour the affidavit-cum-undertaking and will not commit any breach. In this view of the matter, I am inclined to allow this

application but on certain terms. In such circumstances, the custodial interrogation is not necessary. Hence the following order.

ORDER

(A) Application is allowed.

(B) In the event of arrest in connection with C.R.No.0798/2022, registered with L. T. Marg Police Station, applicant- Hiteshsingh Shankarsingh Rao, shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(C) The applicant shall report to the concerned police station tomorrow (December 6, 2022), between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.

(D) The applicant to abide by the conditions mentioned in the affidavit-cum-undertaking dated December 5, 2022 filed in this Court.

(E) It is made clear that if the conditions of the affidavit-cum-undertaking are breached, the anticipatory bail granted to the applicant shall be liable to be cancelled.

(F) If there is a default on the part of the applicant abiding by the schedule which he has undertaken to meet, necessary orders shall be passed.

(G) The complainant is permitted to withdraw the amount which is deposited and also the amount which will be deposited in terms of the affidavit-cum-undertaking.

(H) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(I) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(J) Registry to accept the demand draft.

(K) The application is disposed of.

8. Stand over to **January 9, 2023** for '**compliance**'.

(M. S. KARNIK, J.)