

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2360 OF 2022**

Mehfooz Mehmood Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

**WITH****ANTICIPATORY BAIL APPLICATION NO. 2365 OF 2022**

Rekha Tiwari

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. M.R. Chouhan for the Applicant in both the applications

Ms. Anamika Malhotra, A.P.P. for the State/Respondent in ABA No. 2360 of 2022

Mr. S.V. Gavand, A.P.P for the State/Respondent in ABA No. 2365 of 2022

Mr. Satish Chougale, API, Meghwadi Police Station, Mumbai.

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**CORAM: BHARATI DANGRE, J.****DATED : 29<sup>th</sup> AUGUST, 2022****P.C:-**

1. Since the submission advanced in the two applications, is that the applicants are arraigned as accused no.1 and 2 in CR No. 399 of 2022 registered with Meghwadi Police Station, on 18/06/202, which invoke sections 406, 420 r/w 34 of IPC.

The specific submission of the learned counsel for the

applicant is that even going by the complainants version, Smt. Rekha is proprietor of Jalad Enterprise, and a contract was entered between the said enterprise and the applicants company M/s Stone Export House Pvt Ltd, for supply of Base oil, with the price being fixed. The amount was deposited in the account of Jalad Enterprise. According to him the amount was not deposited in his Company. In any case, since the Oil was not supplied as the order was cancelled, a cheque was issued by the applicant in the name of MRK Traders. However, realizing that the payment cannot be made in that name, stop payment instructions were issued. A complaint under section 138 of Negotiable Instrument Act is filed by M/s MRK traders at Mangalore Court, which is pending.

2. The submission of learned counsel for the applicant, is that the dispute arises out of the contract that were arrived between the parties, and it is purely civil in nature. On being confronted, the learned APP state that Investigating Officer shall issue a notice under section 41 A to the applicants within a period of two weeks. On receipt of the notice the applicants shall report to the Investigating Officer and in case, if he is desirous of effecting the arrest, he shall record reasons in writing, and also give an advance notice of 72 hours. With the aforesaid directions both the applications are disposed off.

**( SMT. BHARATI DANGRE, J.)**