

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2982 OF 2022

Pratap A. Patil

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Aniket Nikam a/w. Mr. Piyush Toshnival and Mr. Aashish Satpute
i/b Mr. Amit Icham for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent/ State.

PI Krishan Indalkar is present.

CORAM : N.R. BORKAR, J.
DATE : 06.12.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.459 of 2021 registered at Sinhgad Road Police Station, Pune City for the offences punishable under Sections 420, 465, 467, 471 and 511 read with 34 of the Indian Penal Code (IPC).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State and perused the First Information Report (FIR).
4. The present applicant is accused No.2 in the aforesaid crime. It is the case of prosecution that the accused No.3, who is the Director of Uttkarsh Constrowell Company, was in need of work for his company. He requested the present applicant, who is

his friend, to search some work for his company. The present applicant told the accused No.3 that accused No.1, who is known to him got 'MANREGA' work worth Rs.500 crore and he can make available the said work for his company, however, he will have to pay him Rs.11 lakhs and 15% share in the profit. It is alleged that the accused No.3 agreed to pay commission as demanded by the applicant even paid the amount of Rs.11 lakhs to him. It is alleged that thereafter the accused No.1 handed over the fake cheque of Rs.92,99,00,000/- to present applicant and he handed over the said cheque to accused No.3 as he was drawee of the cheque. It is alleged that when the cheque was presented for encashment, it was found to be fake.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the Sessions Court had already released the accused No.1 on bail. It is thus submitted that the applicant may be released on bail.

6. The learned APP submits that the State is going to file an application for cancellation of bail of accused No.1. However, it is not shown that the applicant was aware that the cheque in question was fake. The only allegation against the present applicant is that he handed over the fake cheque to accused No.3. I am therefore, inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.459 of 2021 registered at Sinhgad Road Police Station, Pune City for the offences punishable under Sections 420, 465, 467, 471 and 511 read with 34 of the IPC on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 4.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]