

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Anticipatory Bail Application No. 151 of 2022**

Prakash S/o Dhondbarao Deshmukh and others

**Versus**

The State of Maharashtra, through PSO, Washim City, Tal and District  
Washim

---

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

---

Court's or Judge's Order

Shri A.M.Jaltare, Advocate for the applicants.

ShriM.J.Khan, APP for the non-applicant.

**CORAM : ANIL S. KILOR, J.**

**DATED : 25<sup>th</sup> MARCH, 2022.**

The applicants are praying for pre-arrest bail in Crime No. 107 of 2022 registered with Washim Police Station for the offence punishable under Sections 406, 409, 420, 506 read with Section 34 of Indian Penal Code against the four persons including the applicants.

2. This application has been filed by the accused nos. 2, 3 and 4. The allegations are that though the accused persons received the agricultural produce, they did not make payment of the same to various adtya

(agents). It is alleged that the accused persons have cheated to various persons by duping them by Rs.60 lakhs and more.

3. Learned counsel for the applicants submits that the license issued by the APMC is in the name of accused no.1 Pushpa Pradeep Deshmukh, who has received the agricultural produce as license holder and proprietor of Ganesh Dal Mill. Thus, if any default is made in payment of the amount that has been made by the accused no.1. It is therefore submitted that the applicants are not connected with the alleged offence.

4. Shri Khan, learned Additional Public Prosecutors opposes the application and submits that there are complaints of various adtya (agents) from whom the accused persons have accepted the agricultural produce worth Rs.60 lakhs and more, however, the payment was not made. It is submitted that the custody of the applicants is necessary to recover the stock register and other documents.

5. I have perused the case diary and also contents of the First Information Report. *Prima facie*, it appears from the contents of the First Information Report that the accused no.1 is a licence holder and the owner of Shri Ganesh Dal Mill and various adtya

(agents) have supplied the agricultural produce to Shri Ganesh Dal Mill. Allegations against the applicants are only to the extent that they are working in Shri Ganesh Dal Mill along with accused no.1. Proceedings filed under Section 138 of Negotiable Instruments Act against accused no.1 also supports the contention of the learned counsel for the applicants that the accused no.1 is authorised to issue cheques and make payment and as the cheques were issued by her and as those cheques were dishonoured, the drawee of the cheques filed the proceedings under Section 138 of Negotiable Instruments Act, against the accused no.1.

6. In the circumstances, as no *prima facie* incriminating material found against the applicants, I am of the opinion that the applicants are entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

#### ORDER

- i. The application is allowed;
- ii. In the event of arrest of applicants in Crime No.107 of 2022 registered with police station, Washim City for the offences punishable under Sections 406, 409, 420, 506 read with Section 34 of the Indian Penal

Code, the applicants be released on bail on furnishing P.R.Bond of Rs.15,000/- (Rs.Fifteen Thousand) each with a solvent surety of like amount;

iii. The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, as also not to tamper with the evidence.

iv. The applicants shall not leave the jurisdiction of the concerned police station without permission of the Court.

v. In the process of investigation, the Investigating Officer need access to the certain documents, including stock register and other documents, the applicants shall undertake to give access of such documents to the Investigating Officer.

[ANIL S. KILOR, J.]

Digitally signed  
by  
SACHINDANAND  
K NAIR  
Date: 2022.03.25  
17:33:21 +0530