

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

CRIMINAL APPLICATION (ABA) NO.394 OF 2022

Aditya Jambhulkar **Versus** State of Maha. thr. PSO PS Hudkeshwar, Nagpur

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

Court's or Judge's Order

Shri S.S. Nerkar, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the Non-applicant/State.

Shri Vipul Bhise, Advocate for assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 22/06/2022

1. The applicant is seeking bail in Crime No. 342/2022, registered with Police Station, Hudkeshwar Police Station, District Nagpur for the offences punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that he is an employee of M/s Harsh Land Developers and in that capacity, he had signed the receipts towards the payment received from the complainant. However, though his signatures are on receipts, it was not in the capacity as Owner/Partner/Director of the firm.

3. He further submits that, bank statement is filed on record, which clearly show the applicant has not received any amount from the complainant. Accordingly, he submits that the applicant has been falsely implicated in the alleged offence. As such, he prays for grant of pre-arrest bail.

4. Learned APP strongly opposes the application and submits that there is an entry of receipt of Rs. 5,00,000/- by the applicant, reflects in the bank statement of the complainant. He has also pointed out that the cheque issued by the complainant in the name of the applicant amounting to Rs. 5,00,000/- to show that the applicant has received the amount in the said transaction. Accordingly, he submits that as there is sufficient material against the applicant, his pre-arrest bail application may be rejected.

5. Shri V.B. Bhise, learned counsel for the applicant who is assisting the prosecution on behalf of the complainant submits that the applicant has not only signed the receipts in the name of M/s Harsh Land Developers but he also signed documents executed in favour of the complainant as a witness. He, therefore, submits that the role of the applicant is very clear and accordingly, his application may be rejected.

6. I have perused the case diary.

7. *Prima-facie*, it appears from the cheque on the record that it was a bearer cheque and though in the bank statement of the complainant it reflects that the amount of Rs. 5,00,000/- was debited from the account of the complainant, that amount was never credited in the account of the applicant.

8. *Prima-facie* thus, it appears that there is no entry in the bank statement of the applicant showing the he has received any amount from the complainant. Moreover, signature of the

applicant on the receipts, *prima-facie* shows that he signed the same on behalf of the M/s Harsh Land Developers, as an employee. There is no document to show that the applicant is Partner or Director in the said firm. In that view of the matter, as there is no *prima-facie* incriminating material available against the applicant, I am of the opinion that the applicant is entitled for grant of pre-arrest bail.

9. Moreover, there is nothing to show that if the applicant is released on bail, there is any possibility of pressurizing the prosecution witnesses or tampering the prosecution evidence or he will not be available for trial. In that view of the matter, I pass the following order :

- i) The application is **allowed**.
- ii) Order passed by this Court on 14/06/2022, granting ad-interim anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of** accordingly.

JUDGE