

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.39 OF 2023

PRASHANT BHAGWAT IRLAPALLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A. N. Irpatgire, Advocate for Applicant
Mr. A. A. Jagatkar, APP for Respondents – State

...

WITH

ANTICIPATORY BAIL APPLICATION NO. 1806 OF 2022

PIRAJI S/O MANIK MEKLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. T. M. Venjane, Advocate for Applicant
Mr. A. A. Jagatkar, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 01st FEBRUARY, 2023

PER COURT :

1. Applicants apprehend their arrest in Crime No.579/2022, registered with MIDC Latur Police Station, Latur, for offences punishable under Sections 406, 420, 467, 468, 469, 471 r/w 34 of the Indian Penal Code.

2. Pursuant to the directions given by learned Judicial Magistrate First Class, Latur, under Section 156(3) of Cr.P.C., crime is registered at the instance of Ansar Mansur Shaikh. It is alleged that on 22/06/2017 informant borrowed Rs.6 Lakhs from the

applicant Prashant on condition to repay the said amount by paying Rs.6,000/- per day and the entire amount was to be repaid within 100 days. Amount of Rs.6 Lakhs was given to the informant after deducting interest thereon and the informant had issued blank cheque in favour of Prashant, drawn on Pune Janta Sahakari Bank, Branch at Latur and Solapur Janta Sahakari Bank, Branch at Latur, towards security for the borrowed amount and also handed over one blank stamp of Rs.100/- signed by him to Prashant. Though, he repaid the entire amount and the repayment is acknowledged by Prashant in a diary maintained by him, in stead of returning the cheque and bond, Prashant handed over the cheque to applicant Piraji, who has misused the cheque in collusion with Prashant and has presented it in the bank and on dishonour of the same, issued notice to the informant. The notice was issued for payment of Rs.10 Lakhs. Thus, he alleged that both the applicants have, in collusion with each other, cheated the informant.

3. Heard learned advocates for applicants and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. *Prima facie* the dispute appears to be of civil nature, which is given criminal flavour by the informant. During the course of investigation, applicant Prashant has produced blank

stamp paper before investigating officer, which is already seized. The applicant Piraji has already filed proceedings under Section 138 of N.I. Act, against informant and has presented original cheque in the trial Court.

5. Nothing is to be recovered from applicants. Pre-trial custodial detention of applicants in the facts of the present case is not necessary.

6. In the result, the applications are allowed by confirming interim order dated 12/01/2023. Till filing of the charge-sheet, applicants shall attend concerned police station as and when called by investigating officer. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)