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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.593 OF 2021

Ganesh Bhagwan Shewale ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr.Sanjiv Sawant a/w Heramb Kadam, Namita Chandra i/b. Samir Suryawanshi for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent – State.

Mr.Santosh P. Muluk, ASI Ghodegaon Police Station present.

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CORAM : N.R. BORKAR, J.

DATED : 21 MARCH 2023

P.C. :-

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.
2. I have heard the learned counsel for the applicant and the learned APP for the State.
3. On 3rd March, 2021, this Court passed the following order;
 1. Heard Mr. Sanjiv Sawant for the applicant and Ms. Pallavi N. Dabholkar, APP for the State.
 2. The Applicant is seeking anticipatory bail in connection with C.R.No. 272 of 2020 registered at Ghodegaon Police Station, Taluka Ambegaon, District Pune on 21/2/2020, under sections 420, 406, 504, 506 read with 34 of the Indian Penal Code.
 3. Gist of the allegations are that the applicant had taken onion in bulk from many victims who are named in the FIR. The FIR

names 10 persons from whom he had taken onion and had not paid the entire price. He kept on promising. Sometimes he had given cheques which were also dishonoured. The FIR mentions the amount of Rs. 5,83,129 which is due and payable by the applicant to all the victims.

4. Learned Counsel for the applicant at this stage states that without going into the merit of the matter, the applicant is willing to make payment of all his dues. The only dispute is in respect of some amount which can be sorted out in presence of the Investigating Officer.
5. Considering this suggestion, the applicant can be directed to attend the Police Station. The victims can also be called to the Police Station and in presence of the Investigating Officer exact figures can be arrived at and if the applicant pays that amount then this application can be considered favourably.
6. At this stage, for a limited time, I am protecting the applicant by the following order.

ORDER

- (I) In the event of his arrest in connection with C.R. No.272 /2020, till the next date, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) This order shall operate till 07/04/2021.
- (iii) The applicant shall attend the concerned Police Station from 15th March to 19th March 2021, between 12.00 p.m. to 5.00 p.m. and he shall co-operate with the investigation.
- (iv) The Investigating Officer shall call all the victims to the Police Station and inquire about their dues and to make a report to the Court to that effect particularly mentioning as to whether the applicant has satisfied all the dues.

4. The learned counsel for the applicant submits that the applicant has already paid Rs.3,05,000/- to the alleged victims. He on instructions states

that the applicant is ready and willing to pay Rs.1,20,000/- to the rest of victims within six weeks from today. Statement is accepted.

5. Considering overall facts and circumstances, I am inclined to allow the present application. Interim order passed by this Court dated 3rd March, 2021 is hereby confirmed.

6. The application is disposed of.

(N.R. BORKAR, J.)