

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.810 OF 2023

Jigar Ramesh Maru

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Vishal Kolekar i/b. Mr. G.P. Kedare for the Applicant.

Mr. S.V. Gavand, APP for Respondent-State.

Mr. Nilesh Gangawane, Tadadev Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the Applicant for pre-arrest bail apprehending his arrest in C.R. No.712 of 2022 registered with Tadadev Police Station, Mumbai, for the offences punishable under Sections 406 and 420 r/w 34 of the IPC.

2. Heard Mr. Kolekar, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

lodged by one Janhavi Prakash Waswani, who is a partner of Crescent Technologies. The FIR prima facie reveals that the Applicant and other co-accused, who are partners of R. Tech Company had purchased 50 laptops of Lenova V14 G2 Company for an amount of Rs.29,50,000/- from the first informant. They issued a cheque for Rs.29,50,000/-, which was dishonoured for want of sufficient funds. The Applicants avoided making payment. The Applicants were not available on the given address and their mobiles were switched off. Upon realising that she has been cheated, she lodged FIR against the Applicant and the other co-accused. Pursuant to which aforesaid crime came to be registered.

4. The records reveal that the Applicant had earlier filed application being Anticipatory Bail Application No. 3258 of 2022. The said application was disposed of by order dated 23/11/2022. The order reveals that the Applicant and the co-accused had made a statement that they were ready and willing to pay an amount of Rs.29,50,000/- after deducting certain amount towards damaged laptops and scratch costs. The Applicant and the co-accused had also undertaken to respond to the notice under Section 41A of the Cr.P.C. and appear before the Investigating Officer on 26th, 27th and 28th

November, 2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when required. It was observed that in case the investigating officer requires the presence of the Applicant, he should give 72 hours notice in advance.

5. Learned APP states that the Applicant has not paid to the Complainant Rs.29,50,000/- as undertaken nor did they appear before the Investigating Officer on 26, 27 and 28 November, 2022 as per the directions of this Court. It is stated that on receipt of 72 hours notice, the Applicant filed an application before the Sessions Court and deposited an amount of Rs.12,00,000/- and sought three months time to pay the balance amount. The Applicant and the co-accused have not paid the balance amount despite opportunity given. The Applicant has not given any satisfactory explanation for not reporting to the investigating officer as per the directions of this Court in order dated 23/11/2022.

6. The material on record, particularly the conduct of the Applicant does not justify exercise of discretionary powers under Section 438 of the Cr.P.C. in the favour of the Applicant. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)