

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

**ANTICIPATORY BAIL APPLICATION NO. 894 OF 2022
WITH
INTERIM APPLICATION NO. 1367 OF 2022**

Shrikant Ramchandra Mishra

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vinay Bhanushali a/w. Sanmit Vaze for the Applicant.

Mr. Jilesh Sanghavi a/w. Ashok Kumar Mishra i/b. Solicis Lex for the Intervenor.

Mr. Shrikant Yadav, APP for the State.

API Tushar Baviskar, from Oshiwara P. Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 28th MARCH, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.127 of 2022 registered with Oshiwara Police Station, Mumbai for offences under Section 379, 420 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the 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 dated 7th

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March, 2023 lodged by Devendra Hanuman Pandey. It is the contention of the first informant that the Applicant had stolen a cheque of Rs.30 Crores and had presented the same to the bank. The records prima facie indicate that there was a service agreement between the Applicant and the first informant and that the first informant had issued cheque No. 965276 in favour of the Applicant for an amount of Rs.30 Crores. The Applicant had presented the said cheque with the bank, and that the said cheque had dishonoured. The Applicant had issued a demand notice dated 25th February, 2022, calling upon the first informant to make the payment. The First Information Report has been lodged after receipt of the said demand notice. The records indicate that the first informant had lodged another complaint on the same day before the Dindoshi Police Station in respect of the same cheque. It is stated that the said crime has already been investigated and the chargesheet has been filed.

4. It appears that the first informant has lodged two FIRs in respect of the same incident. Learned Counsel for the Applicant states that he has already filed a petition to quash the subsequent FIR and that the Division Bench of this Court has directed the Investigating Agency not to file the chargesheet in respect of the present crime till the next date. It is stated that the petition is pending and that the interim relief is continued. The question whether the second FIR is maintainable in respect of the same incident will be considered in the said petition.

Furthermore, whether the cheque is a stolen cheque or whether it was issued in terms of the agreement will be the subject matter of trial. The Applicant is on interim bail since 1st April, 2022. He has already reported to the Investigating Officer and has been interrogated.

5. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions.

(i) In the event of arrest of the Applicant in Crime No.127 of 2022, registered with Oshiwara Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the

other witnesses, or tamper with the evidence in any manner.

7. Application stands disposed of.

8. Interim Application stands disposed in view of disposal of the Anticipatory Bail Application.

(ANUJA PRABHUDESSAI, J.)