

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

ANTICIPATORY BAIL APPLICATION NO. 1820 OF 2023

Ravi Inderchand Jaju and Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

**ALONG WITH
INTERIM APPLICATION NO. 2426 OF 2023**

Santosh Kumar Gattani ...Intervenor

In the matter between

Ravi Inderchand Jaju and Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.Sumit Nandani i/b. Mr.Sushant Ghadage–Advocate for Applicant.
Mr.S.R.Agarkar – APP for Respondent-State.
Mr.Bhavesb Badlani – Advocate for Intervenor.
Mr.Kiran Ghanshyam Avachinde – Police Hawaldar – Badlapur Police
Station.

CORAM : S. M. MODAK, J.

DATED : 6TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP.
Also heard learned Advocate for the First-Informant.
2. Interim Application is filed to intervene in the proceeding. It is
allowed and disposed of.

Satish Sangar

3. The First-Informant lodged the complaint with Badlapur Police Station on 2nd December, 2022 against against the present two Applicants. Out of them, Accused No.1 – Ravi is partner of the present First-Informant in the construction business. Whereas, Accused No.2 – Inderchand is his father. The allegation is that when the First-Informant has searched his office, he found that certain cheques are misplaced. In fact, both cheques are destroyed by the Federal Bank on 21st May, 2018.

4. Learned APP has shown to me a letter issued by the Federal Bank on 19th February, 2022 to that effect. On this background, the First-Informant received a notice from Tiwari and Saraf dated 17th September, 2022 at the instance of present Applicant – Ravi. It is in respect of dishonour of cheque No.1033071 for Rs.70,00,000/-. Later on, he also received another notice from the same Advocate on 6th October, 2022 in respect of another cheque No.005172 for Rs.40,00,000/-. It was issued by the Applicant No.2 – Inderchand. Both have demanded the amount of cheque from the Applicant.

5. On this background, the complaint is lodged. The Applicants contend that in fact, there was a settlement entered into in between them on 3rd April, 2022. Its copy is annexed at Page No.41 and it

mentions about issuance of two cheques. One of Rs.70,00,000/- and another of Rs.40,00,000/-. So, the Applicants claim the custody of both these cheques in lawful manner.

6. Learned Advocate for the First-Informant contended that in fact, the entire cheque book from his office is missing and there is an apprehension that these Applicants will misuse those cheques. Learned Advocate for Applicants submitted that his clients are not having possession of any other cheque than these two cheques. So, the issue is whether the Applicants have stolen those cheques or whether they are in lawful custody. It is submitted that the complaints are filed before the Saket Court – Delhi and the present First-Informant is made as an Accused and he has appeared in those proceedings. It is contended that those cheques were submitted to Saket Court by way of evidence, so they are not possessing those cheques. If the Investigating Agency wants, they can collect those cheques after making necessary correspondence.

7. On this background, I feel that no purpose will be served by granting an opportunity of custodial interrogation. But, they can be put to conditions. Hence, following order is passed :-

O R D E R

- (i) Application is allowed.
 - (ii) In case of an arrest in connection with C.R. No. 241 of 2022 registered with Badlapur West Police Station – Thane City for the offences punishable under Sections 380 read with 34 of IPC, the Applicant No.1 – Ravi Inderchand Jaju and Applicant No.2 – Inderchand Hariram Jaju be released on furnishing personal bond and surety bond of Rs.25,000/- each.
 - (ii) They are directed to give attendance to Badlapur West Police Station – Thane City on 16th July, 2023 and 23rd July, 2023 from 10.00 to 12.00 noon and cooperate to Police as and when required.
8. The Application is disposed of in the aforesaid terms.
9. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]