



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2591 OF 2023

Suresh Devji Gami

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Ratnish S. Dubey with Ms. Bhagyashri P. Roondal, for
Applicant.

Mrs. A. A. Takalkar, APP for State.

Mr. Ingle, API, Santacruz Police Station.

CORAM:- N. J. JAMADAR, J.

DATED:- 16th OCTOBER, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) This is an application for pre-arrest bail in connection with CR No. 613 of 2023, registered with Santacruz Police Station, for an offence punishable under Section 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) By an order dated 11th September, 2023, this Court was persuaded to grant interim bail ascribing reasons. It was, inter alia, observed as under:-

“3. From the perusal of the allegations in the first information report, it becomes evident that the agreement was executed on 30th August, 2021 and on 27th February, 2023 the first informant had accepted a cheque drawn by one Alamgir Hussain Shaikh towards the repayment of the said amount, which came to be eventually dishonoured.

4. In view of the time lag from the date of the execution of the agreement for Leave and License and the acceptance of a cheque drawn for Rs.15 Lakhs from Alamgir Shaikh, who appeared to be also instrumental in the transactions between the first informant and the applicant, the question as to whether the intention of the applicant was dishonest since inception of the transaction would warrant consideration.

4) The learned APP, on instructions of the Investigating Officer, submitted that pursuant to the aforesaid order, the applicant has appeared before the Investigating Officer and co-operated with the investigation.

5) In view of the nature of the accusation and the reasons which weighed with this Court while granting interim bail, I am inclined to make the order of interim bail absolute.

6) Hence, the following order.

ORDER

I) The order of interim bail dated 11th September, 2023 is made absolute on the terms and conditions incorporated therein.

II) The applicant shall henceforth appear before the Investigating Officer as and when directed.

III) The applicant shall regularly attend the proceedings before the jurisdictional Court.

IV) The application stands disposed.

[N. J. JAMADAR, J.]