

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2918 OF 2023**

Basant Hiralal Jain	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Datta Mane, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Pratap Pawar API Taloja Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 23 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.277 of 2022 registered with Taloja Police Station for the offences punishable under Sections 420 and 406 of the Indian Penal Code.
3. The first informant is the Manager of Micro Forged and Pipe Fittings. The Applicant is the director of Samaypara Technosolutions Pvt. Ltd. and Samaypara Infraprojects Pvt. Ltd. The first informant firm had supplied fire fighting pipes and by 19 February 2020, an amount of Rs.32,12,871/- was due and payable towards the sale and delivery of the goods. The applicant paid an amount of Rs.6,54,469/- and an amount of Rs.25,58,402/- remained outstanding. Despite repeated demands, the applicant did not pay the amount. Hence, the report.

4. The learned Counsel for the applicant submitted that during the pendency of the application before the Court of Session, the parties had entered into a settlement and a pursis (Exhibit C) came to be filed. The applicant could not pay the amount in accordance with the terms of the settlement. Hence, the application came to be rejected. According to the learned Counsel for the applicant, an amount of Rs.8,75,000/- only remains to be paid to the first informant. The learned Counsel submitted that the applicant is willing to pay a sum of Rs.4,40,000/- within two weeks and the balance amount within four weeks thereafter.

5. The learned APP, on the instructions of the Investigating Officer who is present in Court, states that a sum of Rs.8,75,000/- only is outstanding.

6. Prima facie, the allegations in the FIR indicate that the case is one of failure to pay the price of the goods sold and delivered. It appears that initial payments were made. The question as to whether the intention of the applicant was dishonest since the inception of the transaction would be a matter for trial. As the substantial payment has been made and the applicant has shown willingness to pay the balance amount, I am inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The statement, on instructions, on behalf of the the applicant to pay the balance amount of Rs.8,75,000/-, within six weeks, is accepted as an

undertaking to the Court.

(ii) The applicant shall pay an amount of Rs.4,40,000/- to the first informant within a period of two weeks and the balance amount of Rs.4,35,000/- within four weeks thereafter.

(iii) Subject to the aforesaid payment, in the event of the arrest of the Applicant – Basant Hiralal Jain in connection with C.R.No.277 of 2022 registered with Talaja Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iv) The Applicant shall co-operate with the investigation and report to Talaja Police Station as and when directed by the Investigating Officer.

(v) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(vi) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) The Application stands disposed.

(N.J.JAMADAR, J.)