



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3374 OF 2023**

Suresh J. Dulani	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Advait Raorane i/by Vertices and Partners, for Applicant.
Smt. A.A.Takalkar, APP for State.
Mr. N.S.Landge, PSI Khadakpada Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 6 DECEMBER 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.154 of 2023 registered with Khadakpada Police Station for the offences punishable under Sections 406, 420 of the Indian Penal Code.
3. By an order dated 17 November 2023, this Court was persuaded to grant interim protection noting, inter alia, that prima facie it appears that the transaction had taken place during the year 2014-15 and the dispute primarily appears to be of civil nature and arising out of a commercial transaction.
4. I have perused the allegations in the FIR. Ex-facie, there is a substantial delay in lodging the FIR. A cheque of Rs.36 Lakhs which was drawn by the partnership firm in favour of the first informant was allegedly dishonoured in the year

2016. In the circumstances of the case, the question as to whether the intention of the accused was dishonest since the inception of the transaction or it was a case of failure to perform a promise, would warrant consideration.

5. In view of the above, I am impelled to make the order of interim bail absolute.

6. Hence, the following order :

ORDER

(i) The order of interim bail dated 17 November, 2023 is made absolute on the terms and conditions incorporated therein.

(ii) The applicant shall appear before the Investigating Officer on 14th and 15th December 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed till the filing of the chargesheet.

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

(iv) The application stands disposed.

(v) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)