



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 ANTICIPATORY BAIL APPLICATION NO. 802 OF 2024

RAMESHWAR SIDDESHWAR URGUNDE
VERSUS
THE SUPERINTENDENT OF POLICE AND ANOTHER

...
Advocate for Applicant : Mr. Rahul Pandhari Cheble.
APP for Respondents-State : Mr. AAA Khan.

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CORAM : S. G. MEHARE, J.
DATE : 13.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant seeks pre arrest bail in Crime No.165 of 2024, registered with M.I.D.C. Latur Police Station, District Latur, for the offences punishable under Sections 323, 420, 504, 506 read with Section 34 of the IPC.
3. The complainant has lodged a report against the applicant and his sons for receiving the money under the false promise to give him gold at chipper rate. However, accused No.1 had issued cheques against the money and also executed hand loan agreement. The applicant has also been arraigned as an accused with his sons.

4. The applicant has a case that he did not play any role in the alleged offence. The cheque amount was received. However, the assured document was created and cheques were received.

5. Learned counsel for the applicant submits that the complainant has filed a proceeding under Section 138 of the N.I.Act. The applicant is not party to the alleged incident nor the agreement for returning the amount either in cash or in gold. The report is lodged against the applicant for quick recovery of money. The applicant is on interim bail from 15.05.2024. He is regularly attending the Police Station as per the bail conditions. Nothing is to be recovered from the applicant. Hence, the interim anticipatory bail order may kindly be confirmed.

6. Learned APP would submit that this was a pre-determined cheating under the false promise to give gold at chipper rate. The intention of the applicant was clear to chit them. The offence is serious.

7. Perused the papers and allegations against the applicant. Considering the allegations levelled against the applicant, it seems that his custodial interrogation is not essential. The

applicant followed the condition of attending the Police Station once in a week belatedly. The overall facts reveal that custodial interrogation of the applicant would not serve the purpose. Hence, the following order :

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) The order granting interim bail dated 15.05.2024 stands confirmed with the same conditions except condition No.(ii).

(S. G. MEHARE, J.)

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vmk/-