



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 906 OF 2024

ARJUN SAMBHU CHOUDHARI
VERSUS
CHANDRAKANT VAMANRAO LINGAYAT AND ANOTHER

...
Advocate for Applicant : Mr. S. P. Pandit
Advocate for Respondent No.1 : Mrs. S. S. Joshi
APP for Respondent No.2 : Mr. Chaitanya C. Deshpande
...

CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned counsel for respondent No.1 and learned A.P.P. for respondent No.2.
2. The applicant seeks bail in connection with private complaint RCC No. 52 of 2018 filed before the learned Judicial Magistrate First Class, Shahada, for the offences punishable under Section 138 of the Negotiable Instruments Act and Section 420 read with Section 34 of the Indian Penal Code.
3. It is an interesting case registered under section 138 of the Negotiable Instruments Act against the father and son. The applicant has a case that his son cheated him by misusing the cheque in dispute. The son had assured him that he would look into the matter. The applicant being father was under the belief that son is regularly attending and contesting the proceeding.

Believing his son, he did not pay serious attention. However, he was arrested on warrant. Learned Judicial Magistrate First Class, Shahada and the learned Additional Sessions Judge, Shahada refused him a fresh bail.

4. Learned counsel for the respondent No.1/complainant strongly opposed the application and submitted that defence is improbable. The applicant was knowing well that the trial is going on. Therefore, he is not entitled to bail.

5. Considering the submissions of the applicant and his defence, a lenient view may be taken. The applicant is running 67. His son allegedly purchased fertilizers from respondent No.1. He has no money to show his *bona fides*. In the circumstances, no harm would be caused to the other side if fresh bail is granted. However, to protect the apprehension of the absence of the applicant in the mind of complainant, certain conditions may be imposed. Hence, the order :-

ORDER

- i) Bail application is allowed.
- ii) Both impugned orders stand cancelled and set aside.
- iii) Applicant Arjun Sambhu Choudhari be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above case for the aforesaid offences, on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every date.
 - (c) He shall not protract the trial.
 - (d) If he would not comply with the order, this order would be deemed to be cancelled.
- iv) The Trial Court shall endeavour to dispose of the matter within four months from today, subject to co-operation of the parties.

(S. G. MEHARE)
JUDGE

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