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

58 ANTICIPATORY BAIL APPLICATION NO. 1117 OF 2024

1. Mohini Aashish Dorkar
 2. Aashish Rambhau Dorkar
-Applicants

VERSUS

The State of Maharashtra and another

....Respondents

....
Mr Joydeep Chatterji, Advocate for Applicants
Ms D. S. Jape, A.P.P. for Respondents/State

CORAM : R. M. JOSHI, J.

DATE : 7th October, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No.0365/2024, registered with Hingoli Police Station, Dist. Hingoli, for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code.

2. The sum and substance of the first information report lodged by Laxminarayan Mundada indicates that, he is in the business of sale of agricultural produce. There is allegation that, during the period from 31/01/2023 till 13/03/2023, he has sold the

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agricultural produces and the said goods were sent to the godown of Narendra Bhala. The allegation is that, total sum of Rs.3,13,56,723/- was due and payable to the informant by the applicants.

3. Learned counsel for the applicants has drawn attention of the Court to the documentary evidence indicating payment of sum of Rs.1,60,01,451/- against amount of Rs.1,50,88,383/-. He also pointed out an application filed by the informant before the Trial Court for seeking custody of the seized produces, which was allowed. In response to the submission made by the learned APP with regard to registration of 7 other crimes against applicants is concerned, he invited attention of the Court to the orders passed by the High Court, as well as learned Additional Sessions Judge in all these offences, wherein anticipatory bail has been granted to the applicants.

4. Learned APP opposes the application by drawing attention of the Court to the first information report. It is her contention that Narendra Bhala is not recipient of the goods though goods were sent to his godown. It is pointed out that there

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are 7 offences registered against the applicants at Akola, Washim, Yawatmal, Wardha, Buldhana and Hingoli, and therefore, submits that applicants are not entitled for anticipatory bail.

5. Perusal of the report indicates that in the said 7 crimes, applicants are granted by the competent Court. Insofar as present case is concerned, there is documentary evidence on record to indicate that the sum of Rs.1,60,01,451/- is paid by Bank transfer by the applicants to the informant. The prosecution was unable to show that payments were not against the transaction in question. Similarly, when the informant has already received some of the goods from Narendra Bhala pursuant to the order passed by the Trial Court, the question arises, as to whether liberty of the applicants can be protected.

6. Perusal of the first information report indicates that, it was a case of sale of agricultural produces with one month credit facility. As against this, there is documentary evidence on record to indicate part payment made by the applicants to the informant. Considering the fact that he has received portion of goods sold to the applicants, nothing is to be recovered from them. It is the case

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of granting of anticipatory bail to the applicants. Hence, this application is allowed. Hence, following order :-

ORDER

(i) In the event of arrest of applicants in connection with Crime No.0365/2024, registered with Hingoli Police Station, Dist. Hingoli, for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety in the like amount.

(ii) They shall attend the concerned police station once in a week.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

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(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

sjk