



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1235 OF 2023

Rajan Pandurang KhadeApplicant

VERSUS

The State Of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1306 OF 2023

Ajinkya S/o Vilas BhoirApplicant

VERSUS

The State Of Maharashtra
and another ... Respondents

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Mr. Pavan P. Uttarwar, Advocate for the Applicant in ABA/1235/2023
Mr. Kishor M.Gadve Patil, Advodate for applicant in ABA/1306/2023
Mr. Niranjan V. Dhake, Advocate for Complainant
Mr. S.D. Ghayal, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 192 of 2023 registered with Ramanand Police Station, Jalgaon for offences punishable under sections 420, 468, 471 and 34 of the Indian Penal Code.

2. Sanjeevkumar Dinkar Sarode lodged FIR alleging that Ajinkya Vilas Bhoir and Rajan Pandurang Khade are the directors of M/s. Foresight and Foresight Enterprises Pvt. Limited. Both the accused conducted business under the brand name 'Foresight'. Both the firm's and company's office is one and the same. This brand is doing large business. Informant was told by accused persons that he is being appointed as contractor for the Foresight Enterprises Pvt. Limited, and work of electricity survey, installation and electric meter reading etc. would be provided to him. He, therefore, entered into an agreement with the accused for executing the said work. He paid an amount of Rs.9,50,000/- in cash as security deposit to the accused persons. However, later on, accused persons neither provided work nor repaid the amount of security deposit. Accused persons issued cheque of the said amount to informant, which was dishonoured. Informant, therefore, filed summary criminal case No.1505 of 2020 in the Court of Judicial Magistrate, First Class, Jalgaon under section 138 of Negotiable Instruments Act. In the said case, liberty was granted to informant to file separate criminal case for alleged forgery and cheating.

3. Heard learned advocates for applicants, learned advocate for complainant and learned APP for respondents – State. Perused the papers of investigation.

4. Learned APP opposed application on the ground that the amount of cheating is yet to be recovered from applicants.

5. *Prima facie*, the dispute between informant and accused appears to be of civil nature. There appears merit in the submission of applicants that only so as to pressurize applicants, a civil dispute is given colour of criminal prosecution.

6. Applicants were granted interim protection. They have produced original agreements entered into with informant. They have thus co-operated in the investigation.

7. In the peculiar facts of the present case, custodial detention of applicants is not necessary. Applications are therefore allowed by confirming interim protection granted to applicants by orders dated 31.07.2023 and 10.08.2023, respectively.

[NITIN B. SURYAWANSHI]
JUDGE

