



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

ANTICIPATORY BAIL APPLICATION NO. 2048 OF 2023

CHANAKYA SATISH MANDADE AND ANOTHER

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

...

Mr. A.N. Irpatgire, Advocate h/f Mr. Pratik A. Irpatgire, Advocate for Applicants

Mr. S.B. Jadhav, APP for Respondent – State

Mr. P.P. More, Advocate to Assist APP

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th JANUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.0216/2023, registered with Gandhi Chowk Police Station, for offence punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.

2. Informant approached the Court of Judicial Magistrate First Class and filed private complaint seeking direction to investigate under Section 156(3) of Code of Criminal Procedure. It is alleged by informant that applicants have started partnership firm along with other partners dealing in the business of manufacturing and supply of ethanol and it's by product S.D.S. and other allied items. Informant was doing *Adat* business. He came in contact with one Puneet Baldava in the month of June-July, 2018. Puneet

Baldava along with applicants came to him and informed about their business. They induced him to invest amount of Rs.70 Lakhs in their business and assured him to pay fixed profit on the amount invested by informant. Informant invested Rs.70 Lakhs on the assurance of applicants. Profit sharing agreement was executed between applicants and informant on 07/07/2018, however, applicants failed to give any amount to him. On informant's demand one cheque of Rs.1 Crore was issued by applicants on 01/05/2019, but said cheque was dishonoured. Thereafter, again another cheque of Rs.1.25 Crores was issued on 22/12/2020, but the same was also dishonoured as the account was closed. Informant, therefore, filed complaint under Section 138 of the Negotiable Instruments Act. He, therefore, alleged that applicants have cheated him and committed criminal breach of trust.

3. Heard learned advocate for applicants and learned Assistant Public Prosecutor for State. Perused investigation papers.

4. *Prima facie* the dispute appears to be a commercial dispute and it essentially is of civil nature. Informant is already prosecuting complaint under Section 138 of the N.I. Act, against applicants. Nothing is to be recovered from applicants. Though Investigating Officer has stated that amount involved in the offence is to be recovered, the same is unacceptable considering the nature

of dispute. Applicants' presence can be secured by asking them to attend concerned police station and cooperate in the investigation.

5. In the result, application is allowed.

6. In the event of arrest of applicant No.1 Chanakya Satish Mandade and applicant No.2 Aditya Satish Mandade in connection with Crime No.0216/2023, registered with Gandhi Chowk Police Station, Latur, for offence punishable under Sections 406, 420 r/w 34 of the Indian Penal Code, applicants be released on executing P.B. and S.B. of Rs.25,000/- each with one surety in the like amount.

7. Applicants shall attend concerned police station from 15th January, 2024 to 20th January, everyday between 10:00 a.m. to 12:00 p.m. and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)