

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1563 OF 2024

Ganesh Kundlik Bhapkar

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

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Date: 2024.09.03
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- Mr. Nitin Gaware Patil a/w Mr. Shantanu Kolhe and Mr. Shubham Wadne, for Applicant.
- Mr. R.M. Pethe, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 02nd SEPTEMBER, 2024.

P. C. :

1. In this application on 04.07.2024, this Court granted interim order in favour of the applicant with a specific direction to appear before the Investigating Officer on 06.07.2024, 08.07.2024 and thereafter as and when called by the Investigating Officer.

2. While granting the interim relief, this Court in paragraph No.4 observed as follows :

“4. The reasons why interim order deserves to be passed in favour of the applicant, are as follows :

(A) The FIR itself records that the offences occurred between 11th March, 2020 and 11th October, 2020, while the informant approached the police after about 3 years on 30th October, 2023, when the offences were

registered.

- (B) *The statement of the informant leading to registration of the FIR shows that even according to the informant, the last occasion on which the cheque was issued by the applicant for return of the amount was 05th December, 2022 and the cheque was dishonoured. Yet, the informant appears to have waited till October, 2023, to approach the police.*
- (C) *The applicant has placed on record bank account statements to show that part of the amount received from the informant was indeed transferred to the Finance Company, which was to advance loan to the informant.”*

3. The learned APP on instructions submitted that the applicant has indeed cooperated with the investigation, having remained present before the Investigating Officer.

4. It is further stated that charge-sheet is also likely to be filed in the near future.

5. Considering the detailed reasons given in paragraph No.4 of the order dated 04.07.2024, quoted hereinabove, and the fact that the applicant has cooperated with the investigation, this Court is inclined to allow the present application.

6. Accordingly, the interim order dated 04.07.2024, is confirmed and the present application is allowed. The applicant shall continue to cooperate with the investigation.

(MANISH PITALE, J.)