

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2819 OF 2024**

Manik Revansiddh Yedur	...	Applicant
vs.		
The State of Maharashtra and others	...	Respondents

Mr. Viresh Purwant a/w. Mr. Suraj V. Gadkari for applicant.

Mr. Tanveer G. Khan, APP for respondent No.1-State.

Mr. Vikrant V. Phatate a/w. Mr. Mahesh S. Arjun for respondent Nos.2 and 3.

Mr. A. R. Dere, PSI, Jail Road Police Station, District Solapur City.

**CORAM : MANISH PITALE, J.
DATE : 21st OCTOBER, 2024**

P.C. :

1. Heard learned counsel for the applicant, learned APP for the respondent No.1-State as well as learned counsel having instructions to appear on behalf of respondent Nos.2 and 3, who were original applicants in an application filed under Section 156(3) of Code of Criminal Procedure, 1973 (Cr.P.C.), before the concerned Magistrate.

2. The FIR in the present case, was registered on the basis of the aforesaid application. The statement leading to registration of FIR is virtually a reproduction of the aforesaid application filed by respondent Nos.2 and 3 before the Magistrate. A perusal of the same shows that the said respondents have raised various grievances against the accused persons, including the applicant herein. It is alleged that the accused persons filed a number of suits for recovery of amounts against the said respondents, on the basis of invoices that were forged. It was also alleged that the accused

persons cheated the respondents during the course of execution of a document styled as sale deed, but it was nothing but a money lending transaction. It was submitted that such grievances were raised before the police at various points in time, but no action was taken and hence, they were constrained to move the Magistrate.

3. The learned counsel for the applicant submitted that the co-accused persons have been granted anticipatory bail, but the prayer of the applicant was rejected, on the basis that the role of the applicant appears to be significant in the present case. It was submitted that the FIR can be said to be belated, even if the attempts made by the said respondents to approach the police, are to be considered. It was submitted that the applicants and the co-accused persons have filed recovery suits against the said respondents. They have also filed proceedings under Section 138 of the Negotiable Instruments Act, 1881 (N.I. Act), in respect of dishonor of cheques issued by the said respondents. In that light, the present FIR has been registered as a counter-blast, in order to give the colour of criminality to a dispute, which is otherwise civil in nature. It was submitted that the applicant is ready to co-operate with the investigation and his custodial interrogation is not warranted, in the facts and circumstances of the present case.

4. On the other hand, the learned APP and the learned counsel appearing for respondent Nos.2 and 3, have opposed the present application. It was submitted that the ingredients of the offences registered against the applicant and the co-accused persons, include serious offences under the provisions of Indian Penal Code, 1860 and under the law concerning provisions of illegal money lending. In such circumstances, it was submitted that no indulgence may be shown to the applicant. It was submitted on

behalf of respondent Nos.2 and 3 that when the concerned authorities of police department were slow in taking action, the said respondents were constrained to move the Magistrate and hence, it cannot be said that there is delay in registration of FIR.

5. Having heard the learned counsel for the rival parties and in the backdrop of the material on record, this Court is inclined to allow the present application for the following reasons:

- (a) Even if the dates stated in the application filed by respondent Nos.2 and 3 before the Magistrate, are to be taken into consideration, as regards the dates when the said respondents approached the police for the first time to raise their grievances, *prima facie*, it can be said that there was delay on the part of the said respondents in raising such grievances.
- (b) A perusal for the statement leading to registration of FIR, shows that in the grievance, as sought to be made in respect of the document styled as sale deed dated 09.06.2018, the respondent Nos.2 and 3 themselves stated that they approached the police in the year 2020. As regards the alleged forged invoices, it is found that the said invoices were relied upon by the accused persons themselves in civil suits for recovery, filed against respondent Nos.2 and 3, in the year 2020. Respondent Nos.2 and 3 approached the police for the first time in that regard, only in March 2023. Therefore, *prima facie*, it can be said that the grievance raised by the said respondents was either belated or an after-thought.
- (c) Considering the material on record, the applicant has made out a *prima facie* case to the effect that while the genesis of the dispute between the parties appears to be civil in nature, a colour of criminality is sought to be given by respondent Nos.2 and 3. This could perhaps be in the backdrop of the fact that they are themselves facing prosecution filed by

the accused persons for offence under Section 138 of N.I. Act.

(d) The applicant has undertaken to co-operate with the investigation.

6. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0371 of 2024 dated 16.08.2024, registered at Jail Road Police Station, District Solapur City, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the investigating officer on 24.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the investigating officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(MANISH PITALE, J)