

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.133 OF 2024**

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1) Mahendra Pratap Yadav

2) Rajesh Kumar Sanap Devichandra  
s/o Devi Chandra Kumar

...Applicants

versus

The State of Maharashtra

.... Respondent

Mr. Sameer Nangre for the Applicant.

Ms. Sharmila S. Kaushik APP for the State/Respondent.

Mr. Satish Mishra for the Intervener.

**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 19<sup>th</sup> JANUARY 2024**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R. No.1086 of 2023 registered at Sakinaka Police Station, Mumbai on 24<sup>th</sup> November 2023 under Section 406, 420, 506,(II), read with 34 of IPC.

2. Heard, Mr. Sameer Nangre for the Applicants, Ms. Sharmila S. Kaushik, APP for the State and Mr. Satish Mishra for the intervener.

3. Learned counsel appearing for the informant seeks adjournment to file intervention application. Considering this request, I am inclined to adjourn the matter. However, I have heard the parties for consideration of ad-interim relief.
4. The FIR is lodged by one Shambhu Sharma. The gist of the FIR is that both the Applicants represented to the first informant that they were in the position to get a catering contract for the first informant in respect of Oil and Gas Natural Corporation (ONGC). They also represented to him that certain amount was required to be given to the Ex-general Manager of ONGC. On this representation, the Applicant obtained Rs.37,00,000/- but after a few days, the informant came to know that the contract was given to some other company. He realized that he had lost his money. He pursued the matter with the Applicants. The Applicant No.2 issued three post-dated cheques for the total amount of Rs.31,00,000/- they were dishonoured. Only amount of Rs.4,50,000/- was paid. Thus the informant had suffered the loss to the tune of Rs.32,50,000/-. On this basis the FIR is lodged.

5. Learned counsel for the Applicants invited my attention to the notice dated 2<sup>nd</sup> February 2023, issued by the advocate for the informant's brother, in whose name those three cheques were issued. In that notice it was clearly mentioned that the amount pertaining to those dishonoured cheques were in respect of the loan given to the Applicants. Learned counsel for the Applicants therefore, submitted that the story in this notice is completely contrary to the story in the FIR. Therefore, the allegations in the FIR are not correct. Prima facie I find substance in this submission and hence, Applicants can be protected by way of ad-interim relief.

6. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R. No.1086 of 2023 registered at Sakinaka Police Station, Mumbai, till the next date, the Applicants be released on bail on their executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) This order shall operate till 27<sup>th</sup> February 2024.

- (iii) The Applicants shall cooperate with the investigation.
- (iv) Stand over to 27<sup>th</sup> February, 2024.

**(SARANG V. KOTWAL, J.)**