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

## ANTICIPATORY BAIL APPLICATION NO. 1372 OF 2024

Vikas Gajanan Sharma And Ors. ...Applicants
Versus
The State Of Maharashtra ...Respondent



Ms. Surbhi Agrawal i/b Mr. Nishit Chopra, Advocate for the Applicant.

Mr. Vinit Kulkarni, APP for the Respondent – State.

Mr. Aabad Ponda, Senior Advocate with Mr. Chittesh Dalmia, Advocate for Intervener-Org. Complainant.

**CORAM : M.W. CHANDWANI, J.**

**DATE : 14th MAY, 2024.**
**[VACATION COURT]**

**P.C.:**

**1)** Heard leaned Counsel for the applicant, learned APP as well as learned Senior Counsel for the intervener.

**2)** The offences punishable under Sections 406, 409 and 420 r/w. 34 of the Indian Penal Code ("IPC") came to be registered against the applicants on the complaint made by one Manish Bhavarlal Jain, the owner of a flour mill, who had sold the wheat flour worth of Rs.53,95,500/- by five transactions, starting from 27.09.2023 till 03.10.2023. The applicant No. 2 being the Director of a company i.e. Prism Alliance Private Ltd., issued cheques for Rs.53,95,500/-, which were deposited by the complainant for encashment. Those cheques were dishonoured due to 'closed account', thereafter, the aforesaid complaint came to be lodged.

**3)** The learned Counsel for the applicants submits that predominantly this is a dispute of civil nature and criminal colour has been given. According to her, cheques for the amount of Rs.53,95,500/-, were given to the complainant, after the cheques were dishonoured, the present complaint is filed. There is no such intention to cheat the complaint since inception, therefore, false complaint has been lodged just to recover the amount, due towards the applicants and company. She submits that the applicants are ready to co-operate in the investigation.

**4)** Per contra, leaned APP on behalf of the State as well as learned Senior Counsel submitted that cheques have been issued from the 'closed account', this itself goes to show that the applicants had intention to cheat the complainant, since the beginning. Therefore, prima-faice case against the applicants has been made out. It is also submitted that despite of issuance of notice under Section 41-A of the Code of Criminal Procedure, 1973, the applicants did not co-operated.

5) There are transactions of sale and purchase between the applicants and the complainant. As per allegations the cheques were issued towards the consideration. Records shows that after the said cheques were bounced, an amount of Rs.3,95,000/- is paid to the complainant. Considering the nature of the allegations as well as submissions of learned Counsel for the applicants, a case is made out for ad-interim bail. So far as anxiety of the learned APP, regarding co-operation in the investigation is concerned, I think applicants can be put on terms.

6) Pending the application, in the event of arrest, the applicants shall be released on bail on furnishing PR bond of Rs.50,000/- each with one solvent surety in the like amount.

**7)** The applicants shall attend the concerned police station on every Sunday and Monday for two weeks between 10.00 am to 12.00 noon.

**8)** Stand over to 28th June, 2024.

**(M.W. CHANDWANI, J.)**