IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 1729 of 2024

Yogendra S/o. Jayram Singh
Age 49 years, Occ. Business,
R/at. 19/402, Sonam Topaz CHS
Ltd. Old Golden Nest Phase 3,
Mira Bhayander Road, Near Blue
Moon Club, Mira Road East, Thane,
Maharashtra - 401 107. … Applicant

Vs.

The State of Maharashtra
(At the instance of Bhayander Police
Station, Thane, Maharashtra) … Respondent

Mr Gopal J Pandey i/b. Rohit Pandey, for the applicant.
Ms Rashmi Tendulkar, APP for the respondent/ State.
PSI More, Bhayander Police Station, is present.

Coram: RN Laddha, J.
Date: 4 July 2024

P.C.

By this application, the applicant seeks pre-arrest bail in connection with CR No.163 of 2024, registered at Bhayander Police Station, Thane, for the offences punishable under Sections 406, 420, 465, 467, and 471 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the informant became acquainted with the applicant and co-accused Jaiprakash Tiwari through Kamlesh Yadav, who informed the informant that the applicant and Jaiprakash would secure a loan for him. In order to prepare the necessary documents, the applicant and Jaiprakash demanded money from the informant. On 28 August 2023, the informant transferred Rs.5,50,000/- to the bank account of co-accused Jaiprakash.

Similarly, Kamlesh and Manju paid Rs.4,50,000/- in cash to the applicant and Jaiprakash as they also wanted to take a loan. The applicant and Jaiprakash then asked the informant to provide three blank cheques to facilitate the loan process. Consequently, on 14 September 2023, the informant handed over three cheques without his signature. Manju also provided cheques to co-accused Jaiprakash without signature. The applicant and Jaiprakash obtained signatures of the informant and Manju on the blank forms.

3. On 27 July 2023, the informant handed over Rs.1,00,000/- in cash to Jaiprakash. Despite inquires from the informant, Kamlesh, and Manju, both the applicant and co-accused avoided them. Jaiprakash informed the informant that he gave the money to another co-accused, Rakesh Kumar Singh. When contacted, Jaiprakash continued to provide vague responses. Consequently, the informant released that he had been deceived by the applicant and co-accused. Additionally, there are allegations that the applicant and Jaiprakash forged the signatures of informant and Manju on cheques. As a result, the informant lodged an FIR.

4. Mr Gopal Pandey, the learned Counsel appearing on behalf of the applicant, submits that there has been a significant delay in filing the FIR. The alleged cheques were not credited to the applicant's account, and the applicant was not the recipient or beneficiary of the alleged funds. The sole accusation pertains to his presence alongside co-accused Jaiprakash. Additionally, the applicant is battling cancer

and undergoing treatment. Furthermore, Mr Pandey, the learned Counsel, highlights that the co-accused Jaiprakash filed a complainant under Section 138 of the Negotiable Instruments Act, 1881 ('the NI Act'), against the applicant in January 2024, while the present FIR was lodged in April 2024. The co-accused Jaiprakash and Rakesh Kumar have already been granted bail. There is nothing to be recovered from the applicant and his custody is not necessary.

5. On the other hand, Ms Rashmi Tendulkar, the learned Additional Public Prosecutor representing the respondent/ State, asserts that the investigation is in progress. The investigating agency is to ascertain the specific details of the bank forms contained the signatures of the informant and Manju. The focus of the investigation is the alleged forgery of the signatures on the cheques necessitating the applicant's custodial interrogation.

6. This Court has perused the material on record. It appears that the informant transferred funds to the bank account of the co-accused, Jaiprakash. In January 2024, Jaiprakash filed a case under Section 138 of the NI Act against the informant. However, the present FIR was lodged in April 2024. Notably, the applicant is not the beneficiary. The co-accused have already been granted bail. There is nothing to be discovered or recovered from the applicant. To address concerns about evidence tampering or witness influence, appropriate conditions can be imposed. In view of the above, the present application is allowed in the following terms:

(i) In the event the applicant is arrested in connection with CR No.163 of 2024, registered at Bhayander Police Station, Thane, he shall be released on bail on executing a PR Bond of Rs.25,000/-, with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required, co-operate with the investigating agency, and shall not tamper with the prosecution evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[RN Laddha, J.]