

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2251 OF 2024**

Dashrath Vikas Bavkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Harshad A. Sathe for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 29th AUGUST, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0225 of 2024 dated 18.03.2024, registered at Bharati Vidyapeeth Police Station, District Pune City for offences under Sections 380, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (IPC).

3. The FIR is registered on the statement of the informant claiming that the applicant has stolen and misused certain cheques. It is also alleged that he took signatures on blank papers and stamp papers were also stolen, in the backdrop of cordial relations between the informant and the applicant.

4. The learned APP submitted that the investigation papers are not available and the investigating officer is not present in Court to give instructions and therefore, this Court may grant some time. But, the learned counsel for the applicant is pressing for interim relief.

5. This Court has heard the learned counsel for the applicant and the

learned APP on the basis of the papers available alongwith the application and this Court is inclined to grant interim relief to the applicant for the following reasons:

- (i) The papers on record show that on an earlier occasion i.e. on 27.09.2022, the informant caused an FIR to be registered against the applicant for various offences, including serious offence under Section 377 of the IPC. In the proceedings concerning the said FIR, the applicant was granted regular bail. The informant filed an application for cancellation of bail and thereafter, the said application was disposed of as not pressed on 03.05.2024.
- (ii) In the context of a cheque for an amount of ₹ 10 lakhs purportedly issued by the informant in favour of the applicant in September 2023, the applicant initiated proceedings for dishonour of the cheque under Section 138 of the Negotiable Instruments Act, 1881 (N.I. Act). In the said proceedings, the informant applied for settlement of the dispute and also filed an affidavit before the Magistrate, stating that he would be returning the entire amount of ₹ 10 lakhs to the applicant. An amount of ₹ 50 thousand was paid and it was undertaken that the remaining amount of ₹ 9.5 lakhs would be paid to the applicant on the next date of listing. The present FIR is registered on 18.03.2024 with respect to the cheques, including the cheque which forms the subject matter of the proceedings under Section 138 of the N.I. Act. It is significant to note that the aforesaid affidavit was filed by the informant in the said proceedings on 30.04.2024 i.e. after registration of the present FIR on 18.03.2024 and it is crucial to note that in the affidavit before the Magistrate in the proceedings under Section 138 of the N.I. Act, the informant has himself stated that he caused the present FIR to be registered against the applicant on the basis of a misconception.

Prima facie, the informant himself appears to be shifting stands.

- (iii) The applicant has undertaken to co-operate with the investigation and the nature of allegations made in the present FIR indicate that the investigation would necessarily involve documentary material and the applicant is ready to produce all documents that are in his possession.

6. For the aforesaid reasons, there shall be interim order as follows:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0225 of 2024 dated 18.03.2024, registered at Bharati Vidyapeeth Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial court;
- (b) the applicant shall appear before the investigating officer on 31.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;
- (c) the applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8. On the next date of listing, the learned APP shall produce the investigation papers and also, keep the investigating officer present in Court.

9. List for further consideration on 25.09.2024, to be included in the supplementary list.

(MANISH PITALE, J)