

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 ANTICIPATORY BAIL APPLICATION NO. 191 OF 2024

MANOJ PRAKASHCHAND JAIN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Joydeep Chatterji a/w. Mr. Amit A. Yadkikar

APP for Respondents 1 & 2 : Mr. B.B. Bhise

Advocate for assisting APP : Mr. S.S. Thombre h/f. Mr. A.S. Barlota

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.02.2025

PER COURT :

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. S.S. Thombre h/f. Mr. A.S. Barlota, learned advocate assisting APP.
2. The applicant is apprehending arrest in connection with Crime No. 617/2023 dated 19.12.2023 registered with MIDC CIDCO Police Station, Aurangabad City, Aurangabad for the offences punishable under sections 406, 420, 506(2) of I.P.C.
3. This Court by order dated 5.2.2024 has granted interim protection to the applicant. The learned counsel for the applicant submits that the applicant has cooperated with the investigation.
4. The case against the applicant is that he has received cotton bale supplied by the informant, however, the applicant has not paid the amount towards receipt of cotton bale and as such, the F.I.R. is filed against the applicant for aforesaid offences.
5. It is pointed out by the learned counsel for the applicant that civil suit is filed by the informant to recover the amount. It is stated in the civil suit that the applicant had made payment of goods to the extent of

Rs.55,27,862/- and that there is balance amount of Rs. 55,27,822/- against the applicant. In response to the suit, the applicant in the written statement has stated that the goods supplied were of inferior quality and thereafter, the applicant has not received/taken delivery of any goods from the informant as he has not placed order for the same. The learned counsel for the applicant submits that notwithstanding the same, in the month of January 2024, the applicant had paid further amount of Rs. Sixty lakh to the informant and the same is evidenced by the bank statement produced in the Court.

6. Considering all the above aspects of the matter and considering that the civil suit is pending between the parties and the transactions are of business nature, interim protection granted on 5.2.2024 can be confirmed.

7. In view of the above, the application is allowed and the interim protection granted on 5.2.2024 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] 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.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

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

9. 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.

10. The application stands disposed of.

SSC/

[ARUN R. PEDNEKER, J.]