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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 865 OF 2025

JAY PRABHAKAR JADHAV

..... APPLICANT

VERSUS

**THE UT ADMINISTRATION OF D & NH
& ANR.**

..... RESPONDENTS

Mr. Anurag Ghag for the Applicant.

Mr. Kamar Ali Shaikh a/w. Ms.Yagni Sarvankar h/f. Mr. H. S.
Venegaonkar for the Respondent No.1.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 29th APRIL, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 438 of the Code of Criminal Procedure in connection with Crime No. 17/2025 dated 11th February, 2025 registered with Silvassa Police Station, for the offence punishable under Sections 420 r/w. 34 of the Indian Penal Code, 1860.

2. Based on the complaint, an FIR has been lodged. The role of the present applicants is mentioned in the said FIR.

Pursuant to the order dated 6th May 2025, this order is corrected.

3. The present applicant has been arraigned as accused no.1. There are only two accused. Accused no.2 was arrested and has been granted regular bail. It has been submitted before me that the submission has been made in the FIR that a sum of Rs. 8 Lakhs was paid in cash to the accused no.2 for the purpose of investment in trading. Since there was nothing concrete coming up, the complainant met the accused no.2 for refund of the said amount of Rs.8 Lakhs, pursuant to which accused no.2 handed over a cheque for the sum of Rs. 8 Lakhs to the complainant. So also, a promissory note was executed by the accused no.2 in favour of the complainant. The said cheque of the accused no.2, on presentation with the bank, was dishonoured. Pursuant to which the complainant has filed the proceedings under Section 138 of the Negotiable Instruments Act, 1881 against the accused no.2. Though the role of the accused no.1 has been mentioned in the present crime, the amount as mentioned by the complainant in the crime is Rs.8 Lakhs. The said amount as per the complaint has been paid to the account of the accused no.2. The accused no.2 handed over a cheque of Rs.8 Lakhs to the complainant and also executed a promissory note. When the cheque has been dishonoured, the complainant has lodged a complaint Section 138 of

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the Negotiable Instruments Act, 1881 before the 5th Civil Judge, J & R Division, Silvassa.

4. Considering the fact that the allegation in the complaint is payment of Rs.8 Lakhs for the purpose of investment in the account of the accused no.2, accused no.2 while returning the said amount, has handed over a cheque. The said cheque on presentation was dishonoured, promissory note was executed by the accused no.2 under Section 138 of the Negotiable Instruments Act, 1881 complaint has been filed against the accused no.2, therefore, as of date, I am convinced that the custody of the present applicant no.1 will not be necessary. Hence, The present anticipatory bail application is allowed. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with Crime No. 17/2025 dated 11th February, 2025 registered with Silvassa Police Station, for the offence punishable under Sections 420 r/w. 34 of the Indian Penal Code, 1860, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with one or more

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sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on every week Monday between 11:00 a.m. to 1:00 p.m. till filing of the charge-sheet.

(d) The applicant should not directly or indirectly contact the first informant in any form whatsoever.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(f) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

5. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this

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order are limited to the question of grant of anticipatory bail to the applicant in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

6. The anticipatory bail application is disposed of.

[RAJESH S. PATIL, J.]