

Order below Exh.1 in Cri. Bail Application No. 308/ 2022

Avinash Baburao Chavan ... Applicant
Accused.

Vs.

The State of Maharashtra
through PI Wani Police St. .. Respondent.
(Cr. No. I 16/2022)

Order below Exh. 1

1. This application has been filed by the applicant/accused under section **438 of Cr.P.C.** for releasing him on **anticipatory bail** in Crime. No.I 16/2022 registered at Wani Police Station for the offences punishable under section 420 r/w. 34 of the Indian Penal Code.

2. According to the case of the prosecution, the complainant herein is the agriculturist who lodged report on 03.02.2022 alleging therein that he is having grape-garden and the applicant along-with co-accused who are the partners of Padwa Agricultural Company approached him during the period from 15.02.2020 to 28.02.2020 and purchased 55 Quintals of grape worth Rs.3,30,000/- . They failed to repay the same despite repeated demands. Ultimately, the said partners issued

cheque for the said amount but on depositing the same, in the Bank, it was dishonoured with remark “the payment stopped by the drawer/applicant. Thus, applicant and co-accused misappropriated the said amount and cheated him. He lodged FIR and the applicant is apprehending his arrest at the hands of the Police.

3. The learned counsel Mr. H.S.Jadhav appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. There is huge delay of one year in lodging the FIR. The applicant has not issued the cheque to the complainant nor he purchased the grape from him. His name is only implicated in the case as he is father of co-accused. The applicant has no concern with the said Company. The applicant is already released on bail in similar offences and one of the accused in this offence also got bail and thus, ground of parity is available to him. The punishment prescribed for the offence is not more than seven years. The offence is triable by the Judicial Magistrate, F.C. The applicant is ready to cooperate with the investigation. He is ready to abide each and every conditions of this Court. Hence, considering the nature of dispute, applicant prayed for grant of anticipatory bail.

4. The Investigating Officer has filed his say vide Exh.5 and strongly opposed the application on the ground that the

applicant is habitual in committing similar nature of the offences. There are in all two offences of similar nature registered against him in Nashik District and thereby cheated the agriculturist. The investigation is at initial stage. Hence, prayed for rejection of the application.

The ld. APP Smt. Reshma Jadhav has strongly opposed the application by filing written notes of argument at Exh.6 thereby stating that the offence is serious in nature. If applicant is released on bail, there is every possibility that he may tamper the witnesses and would not obey the terms and conditions. Hence, prayed for rejection of the bail.

5. After hearing both the sides and perusal of the case, it appears that complainant has already initiated cheque bouncing proceedings against the accused persons for recovery. Further on the ground of parity, he is also entitle for bail. Hence, I am inclined to grant protection to the applicant. Hence, following order.

ORDER

1/- Application is hereby allowed.

2/- In the event of arrest of applicant in C.R. No. 16/2022 of Wani Police Station, he be released on PR and SB of Rs.20,000/- with one or two solvent sureties in the like amount subject to following conditions.

a) Not act in manner injurious to the interest of the

prosecution.

- b) maintain law and order.
- c) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.
- d) He shall attend the concerned police station as and when called by the Investigating Officer and cooperate with the investigation.

(Smt. S.S. Nair)

Date : 22.03.2022.

Addl. Sessions Judge -4, Nashik.