

Order below Exh.1 in Cri. Bail Application No. 297/ 2022

Santosh Tukaram Borade ... 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 Agri. Solution, Pune have approached him during the period from 15.02.2020 to 28.02.2020 and purchased 55 Quintals of grape worth Rs.3,30,000/-. Despite repeated demands, they didn't repay the amount. Ultimately, the said partners issued cheques for the said amount but on depositing the same in the

Bank, it was dishonoured with remark “payment was stopped by the drawer/applicant and co-accused”. 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 complainant nor he purchased the grape from him. The applicant has no concern with the said Company. 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.

In support of his contention, he placed his reliance on the ruling reported in the case of **Dinesh Pandey Vs. State of UP, LAWS (ALL) 2021 6 9** and the Orders granted by this Court in various crimes of similar nature thereby granting anticipatory bail to the applicants. Lastly, he prayed that anticipatory bail may kindly be granted to applicant.

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 offences. There are offences of similar nature registered against him. The investigation is at initial stage. Some of the accused are still absconding. Hence, prayed for rejection of the application.

The Id. APP Smt. Reshma Jadhav has strongly opposed the application 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 – Santosh Tukaram Borade 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.