



- c) The contention of learned counsel for the applicant is that the cheque was given as surety but such argument is not acceptable, as the Courts never accept cheques as surety and there is no question of surety in an auction proceedings.
- d) The applicant has participated in the auction proceedings and handing over the cheque as 25% of his offered price, and nothing on the record to show that prior to lodgement of F.I.R., he has withdrawn his offer or preferred any request before the executing Court for his inability to purchase the property.
- e) The cheque was given by the applicant to a Court as a successful bidder, as such it was in respect of a future obligation created in respect of the auction proceeding in which he has participated.
- f) The cheque was given as 25% of auction price offered by him but subsequently, it could not be negotiated and the applicant never contacted the Presiding Officer or Court staff regarding the same, which attracts dishonesty on the part of applicant.
- g) In the present scenario, neither the F.I.R. can be termed as false or fabricated nor there is any question of malice and ulterior motive, as such no ground of extending extraordinary relief be available in favour of the applicant.

3. In view of the above observations, I am of considered opinion that no case of bail has been made out in favour of the applicant. Hence, the instant bail application is denied and the interim relief extended to the applicant through order dated 13-11-2018 is recalled through my short order dated 17.07.2019 and these are the reasons for the same.

4. Before parting, I would like to make it clear that the above observations are purely tentative in nature, and the same are pen-downed only for the purpose of disposal of the instant pre-arrest bail application, as such the same would have no bearing on either party's case during trial.

**J U D G E**

Dated: \_\_\_\_\_