

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4727 OF 2015

Dhanraj s/o Daulatrao Dongre,
Age-34 years, occu:Business,
R/o-Rohidaspura, Rahemangunj,
Jalna, Tq. & Dist-Jalna.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Station Mukundwadi,
Aurangabad,
- 2) The Commissioner of Police,
Aurangabad.

...RESPONDENTS

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Mr.Ramesh R. Imale Advocate for Applicant.
Mrs. M.A. Deshpande, A.P.P. for Respondent
Nos. 1 & 2.

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CORAM: A.I.S. CHEEMA, J.

DATE : 21ST SEPTEMBER, 2015

ORDER :

1. Heard counsel for the Applicant. It is stated that the Applicant is original accused No.3

in Crime No.397 of 2015 registered at Mukundwadi Police Station, Aurangabad. It is stated that concerned plot was owned by one Sayyad Javed and he sold the said plot to Ejajali Khan. The said Ejajali Khan executed General Power of Attorney in name of the Applicant and given right to sell said plot. Applicant decided to sell said plot to one Rushikesh Deshmukh and sale deed was also executed, however, subsequently on the same day sale deed executed was cancelled, for which another document was executed. Although sale deed in favour of Rushikesh Deshmukh was cancelled, said Rushikesh unauthorizedly sold said plot in favour of one Ganesh Jadhav, who is the complainant. According to the learned counsel for the Applicant, for the act of Rushikesh, the Applicant cannot be held responsible as Applicant was acting under the General Power of Attorney executed in his favour by Ejajali Khan.

2. The learned A.P.P. opposes the

Application. She submitted that Applicant along with Rushikesh and others have cheated the people on the basis of the documents executed. There is, obviously no apparent reason for executing the sale deed in favour of Rushikesh and cancelling it on the same day and leaving the said document in the hands of Rushikesh to further go on transacting with people. She submits that apart from present matter, there are other instances also where said Rushikesh has been luring people to enter into transactions of the said property. She submits that it is necessary to have custodial interrogation of the Applicant and consequently anticipatory bail should not be granted.

3. Having heard counsel for both sides and having also gone through the reasons recorded by the Additional Sessions Judge, Aurangabad while rejecting Criminal Bail Petition No.1268 of 2015, I find that it is necessary that the matter should be fully investigated. Looking to the submissions

made by the learned A.P.P., it would not be appropriate to grant anticipatory bail to the Applicant in the present matter. Further investigation in the matter is necessary. There is prima facie case of cheating.

4. For the afore stated reasons, Criminal Application is rejected.

[A.I.S. CHEEMA, J.]

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