

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2516 OF 2015

Balu S/o Chawdas Wankhede	.. APPLICANT
Versus	
State of Maharashtra & Ors	.. RESPONDENTS

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Shri G.A.Ngori, Advocate for applicant
Shri A.S.Shinde, APP for respondent State

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CORAM : V.M.DESHPANDE, J.
DATED : 9TH JULY, 2015

ORDER :-

This is an application u/s 439(2) of Cr.P.C. for cancellation of anticipatory bail granted in favour of non applicants no.2 and 3 by learned Additional Sessions Judge, Jalgaon on 9/4/2015 in Criminal Bail Application No.222/15 whereby the learned trial Court granted anticipatory bail in favour of non applicants no.2 and 3 in Crime.No.21/15 registered with Jilha Peth police station, Jalgaon for offences punishable u/s 420 r.w. 34 of I.P.C.

2] I heard Shri G.A.Nagori, learned counsel for applicant/first informant. The F.I.,R. is lodged with police station, Jalgaon against non applicants no.2 and 3. Non applicant no.3 is wife of non applicant no.2. Both non applicants are relatives of the present applicant.

3] The sum and substance of the allegation against present non applicant in the F.I.R,. is that they obtained Rs.14 lakhs from the present applicants for purchasing a flat from one Rathi builder, however, according to the first information report when the enquiry was made, it was noticed by first informant that Rs.14 lakh is not deposited with said Rathi builder.

4] From the order impugned, it is clear that the present non applicants no.2 and 3 have deposited Rs.14 lakhs to the said agent by name Pravin Bafna who has executed a document admitting receipt of the said amount. The said document executed by Pravin Bafna is witnessed by son of the present applicant. Further Rs.1 lakh is already repaid by the present non applicants no.2 and 3 to the present applicant.

5] The learned trial Court after considering first information report, in my view has rightly reached to the conclusion and it is a civil dispute and the custodial presence of the present non applicants no.2 and 3 is not warranted. The order impugned is a reasoned order. The learned trial Court has correctly exercised discretion in favour of non applicants no.2 and 3. Hence the application is rejected.

(V.M.DESHPANDE,J.)

umg/