

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

CRIMINAL APPLICATION NO. 2942 OF 2015

Ajay Kailas Purohit APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. V.B.Patil, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. – State.

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WITH

CRIMINAL APPLICATION NO. 2431 OF 2015

Sachin Ashok More APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. G.V.Wani, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 12th JUNE, 2015

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PER COURT :

1. Both these Criminal Applications arise out of Crime No. 40/2015 registered with Zilla Peth police station, Jalgaon, Dist. Jalgaon for the offence punishable u/s 420 read with 34 of the Indian Penal Code. Therefore, these two Criminal Applications can be decided by this common order.

2. Criminal Application 2942 of 2015 is for anticipatory bail since applicant Ajay is apprehending his arrest in connection with the aforesaid crime. Criminal Application 2431 of 2015 is for regular bail as applicant Sachin is in incarceration since 15/04/2015 in the aforesaid crime.

3. Heard Mr. V.B.Patil and Mr. G.V.Wani, learned counsels respectively in the aforesaid Criminal Applications and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State in both these Criminal Applications.

4. F.I.R. is lodged by Dinkar Vasudeo Choudhari on the allegation that his son Prashant was to be engaged at Nashik on 12/04/2015 and, therefore, he was required to go there along with his relatives. Hence, he sent his another son Nilesh and his friend Bhushan Vishnu Chichore to Purohit Tours and Travels [Ananda Tours and Travels] near State Bank at Jalgaon for booking a luxury bus. That time, applicant Sachin and Manoj Mahajan were present. Nilesh and his friend booked luxury bus from Bornar to Nashik and for that it was agreed that they have to pay Rs. 35/- per

Kilometer. Accordingly, Nilesh gave Rs. 7,500/- by way of advance. However, in spite of the booking and in spite of receipt of Rs. 7,500/- on 11/04/2015 at night hours, luxury bus did not arrive. Therefore, first informant was required to book another vehicle for attending engagement ceremony at Nashik on 12/04/2015.

5. On these allegations, offence was registered and applicant Sachin is arrested and he is in jail since 15/04/2015.

6. From the aforesaid, prima facie, it appears that remedy of the first informant lies elsewhere and for that it would be little harsh to suffer the applicants by setting the criminal law into motion. That leads me to pass the following order.

(i) Criminal Application No. 2942 of 2015 is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 40/2015 registered with Zilla Peth police station, Jalgaon, Dist. Jalgaon for the offence punishable u/s 420 read with 34 of the Indian Penal Code, applicant Ajay Kailas Purohit be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

(iii) Criminal Application No. 2431 of 2015 is hereby allowed.

(iv) Applicant Sachin Ashok More be released on bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount in connection with Crime No. 40/2015 registered with Zilla Peth police station, Jalgaon, Dist. Jalgaon for the offence punishable u/s 420 read with 34 of the Indian Penal Code. Bail before the trial Court.

(v) Both the present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]