

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.293 OF 2015**

Shivaji Anandrao Powar
Versus
The State of Maharashtra

....Applicant.
...Respondent.

Mr. Vikas Shivarkar, advocate for the Applicant.
Mrs. G.P.Mulekar, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : March 24, 2015.**

P.C.:

The application is moved for anticipatory bail as the applicant-accused is facing charges under Section 420 of the IPC in C.R.No.166 of 2014. It is the case of the prosecution that one Dhanaji Patil has purchased a land from one Shivaji believing that he has disclosed all the encumbrances on it and paid him Rs.50 lakhs and also repaid loan of the applicant-accused of Rs.40 lakhs, which was due to the Parshwanath Bank against the said land. However, the complainant found subsequently that land was not free from encumbrances and other persons had claimed title on the said land. He, therefore, filed a private complaint in the Court of Judicial Magistrate, Kolhapur and the learned

Magistrate gave directions under Section 156(3) pursuant to which offence is registered against the applicant-accused. The learned counsel for the applicant-accused submitted that it is a civil transaction and out of 90 lakhs, applicant-accused has paid from time to time an amount of Rs.65 lakhs. He has receipts of the said amount whereby agent of the complainant has acknowledged the said payments.

2 The learned prosecutor opposed the application and she submitted that there is cheating of 90 lakhs and the application is to be rejected.

3 Considering the nature of the transaction and the learned counsel for the applicant-accused has informed that the civil suit is filed by the complainant against the applicant-accused for recovery of the money and for the specific performance and considering the submissions of the repayment, I am inclined to grant pre-arrest bail on the following conditions:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one surety in the like amount;
- ii) The applicant-accused shall attend the concerned police station and shall produce all the receipts of the

payment of Rs.65 lakhs made by him to the agent of the complainant.

iii) The applicant-accused should co-operate with the police in the investigation.

iv) Applicant-accused shall attend the concerned police station on every Monday and Thursday between 11 am to 1 pm till 30th April, 2015.

4 Application, accordingly, stands disposed of.

(MRS.MRIDULA BHATKAR, J.)