

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (BA) No. 151 of 2015

(Yogesh s/o Narayanrao Rana Vs. State of Maharashtra through P.S.O., City
Kotwali, Amravati)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri S. P. Bhandarkar, Advocate for applicant
Shri S. S. Doifode, APP for the State/non-applicant

CORAM : V. M. DESHPANDE, J.

DATE : 20-8-2015.

This is an application for regular bail.

Heard Shri S. P. Bhandarkar, learned counsel
for the applicant and Shri S. S. Doifode, learned
Additional Public Prosecutor for the State.

The applicant is arrested on 25-9-2014. The
offences for which the applicant is booked in are
punishable under Sections 419, 420, 426, 468 read
with Section 34 of the Indian Penal Code. The
investigation is over. Charge-sheet is already filed
before the Court of law.

The First Information Report is lodged by Arun
Kandalkar, a retired Junior Engineer. The sum and
substance of accusation against the present applicant
is the present applicant took an amount from the first
informant after executing an agreement of sale to
execute sale deed in respect of plot, however, the
said agreement is not honoured by the present
applicant nor he has returned the money. From the
aforesaid nature of accusation, it is clear that the

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dispute is having colour of civil nature. Further for honouring the agreement, the remedy open to the aggrieved person is to file a suit for specific performance of contract and to claim damages and for return of the earnest amount.

In view of the fact that the charge-sheet is filed and all the offences are triable by the learned Magistrate and looking to the nature of accusations as stated above, further custodial presence of the applicant is not warranted and that leads me to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant Yogesh s/o Narayanrao Rana be released on bail on executing P.R. bond in the sum of Rs. 50,000/- with two solvent sureties in like amount in connection with Crime No. 244/2014 registered with City Kotwali Police Station, Amravati for the offences punishable under Sections 419, 420, 426, 468 read with Section 34 of the Indian Penal Code.
- (iii) Bail before the trial Court.
- (iv) The applicant shall attend the Police Station, City Kotwali, Amravati once in a week, preferably, every Sunday between 3.00 p.m. to 5.00 p.m. till the charge is framed by the learned trial Court.

JUDGE

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