

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1428 OF 2016

Ganesh S/o Bhaurao Borade

Age : 45 years,

Occupation - Agriculture & Business,

R/o. Mantha, Tq. Mantha,

Dist. Jalna

.. Applicant

VERSUS

1] The State of Maharashtra
Through Police Station Mantha,
Tq. Mantha, Dist. Jalna

2] Dnyaneshwar Bapurao Rathod,
Age : 31 years, Occu.: Agri.,
R/o Market Yard, Mantha,
Tq. Mantha, Dist. Jalna

.. Respondents

Mr. S.J. Salunke, Advocate for the applicant

Mr. A.R. Borulkar, A.P.P. for the respondent-State

Mr. U.B. Jogdand Patil, Advocate for respondent no.2

CORAM : M.T. JOSHI, J.

DATE : 22/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Mantha Police Station, Dist. Jalna in crime no. 14 of 2016 for the offence punishable under section 420 of the Indian Penal Code, is praying for his release on bail, in the event of his arrest.

3. The complaint filed by Dnyaneshwar Rathod would show that present applicant has sold to the complainant a plot admeasuring 15 feet X 80 feet on 02/04/2008 for consideration of Rs.53,000/-. It was however later-on found that he had also sold the said plot to another person on 10/01/2000. Therefore, the complaint came to be filed.

4. Mr. Salunke submits that in-fact, both the sale deed filed on record would show that different plots are sold to different persons at different points of time.

5. Vide order dated 08/03/2016, this Court had directed the applicant to join the original complainant as a party respondent no.2. Accordingly, respondent has appeared and filed reply. It is submitted that the present applicant has sold the plot to another persons also.

6. The issue, as to whether the boundaries of the plots match or not and as to whether, who would be the owner, upon sale of the land, may be a dispute of civil nature. Presently finding that the complainant has

departed with an amount of Rs.53,000/- in the year 2008, in my view, the custodial interrogation of the present applicant, in the nature of the allegations against him, is not required. In the circumstances, the following order:-

7. In the event of the arrest of the applicant in crime no. 14 of 2016 registered at Mantha Police Station, Dist. Jalna for the offence punishable under section 420 of the Indian Penal Code, he be released on bail, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

. The applicant shall attend the Investigating Officer, as and when reasonably called for the purposes of investigation.

8. Additionally, the applicant is directed to deposit an amount of Rs.1,00,000/- (Rs. One Lakh) in the Court of learned J.M.F.C., Mantha, where the chargesheet may be filed. The learned J.M.F.C. to place the said amount in suspense account and to deal with the same at the time of passing the final judgment

in the case, if the chargesheet is filed.

9. In case the closure report is filed and the same is accepted by the learned J.M.F.C., the amount be refunded to the applicant.

10. Application stands disposed of accordingly.

Sd/-
[M.T. JOSHI]
JUDGE

arp/