

FARAD CONTINUATION SHEET

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

Criminal Application (aba) No. 348 of 2016

Kishor Gajanan Kuchake
v.
The State of Maharashtra

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

Court's or Judge's orders

Mr. V.B. Bhise Advocate for the applicant.
Mr. Dubey, APP, for respondent/State.

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Coram : S.B. Shukre, J.

Date : 18th JULY, 2016.

Heard learned counsel for the applicants and learned APP for the State. This application is opposed by the learned APP.

The allegation is that this applicant knowing well that he could not alienate or transfer his land which was under acquisition for Jigaon Irrigation Project, entered into an agreement of sale of this land for a consideration of Rs. 12 lac with the complainant Amol Shankar Ingle and thus by cheating him caused to him a wrongful loss of Rs.11,50,000/-. According to the applicant, this transaction was essentially a money lending transaction and, therefore, he had even lodged a complaint against the complainant with police station Ural on 07.12.2015. Copy of this complaint is filed on record and it is at Annexure-C. Learned counsel for the applicant submits that the brother-in-law of the applicant Kishor had lodged a similar complaint on 04.1.2016 with the same police station. It appears that no action on these complaints has been taken so far. The F.I.R. has been registered

against the present applicant under Section 420 of Indian Penal Code on the basis of the complaint made on 04.5.2016. Thus, the complaints made against the complainant in this case by the applicant and his brother-in-law are much prior to the present complaint.

Considering the nature of allegations made against the applicant, I am of the view that the investigation can be carried out on the basis of the records pertaining to the disputed land and no custodial interrogation of the applicant would be required. Besides, there is also a background of civil dispute to the allegations made against the present applicant. Therefore, this will be a fit case for grant of bail. Hence, the order.

The application is allowed. Interim bail granted to the applicant on 08.6.2016 is hereby confirmed on same conditions and now it is directed that the applicant shall attend police station Ural as and when required by the Investigating Officer. Application is disposed of.

Judge

/TA/

Certificate

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