

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2510 OF 2017

Mr. Sudhakar s/o Gangadhar ... Applicants
 Udawant, Age 43 years, Occu:
 Business, R/o Zaveru Mansion,
 Supari Hanuman Road, Gulmandi,
 Aurangabad

VERSUS

- | | | |
|---|--|-----------------|
| 1 | The State of Maharashtra
Through Police Station City
Chowk, Aurangabad | ... Respondents |
| 2 | Harishchandra Shankar Bhalerao
Age 62 years, Occu: Agri.
R/o Satara, Near Khandoba Mandir,
Dist. Aurangabad | |

WITH

CRIMINAL APPLICATION NO. 2514 OF 2017

Ananta @ Guddu S/o Sudhakar ... Applicants
 Udawant, Age 43 years, Occu:
 Business, R/o Zaveru Mansion,
 Supari Hanuman Road, Gulmandi,
 Aurangabad

VERSUS

- | | | |
|---|--|-----------------|
| 1 | The State of Maharashtra
Through Police Station City
Chowk, Aurangabad | ... Respondents |
| 2 | Harishchandra Shankar Bhalerao
Age 62 years, Occu: Agri.
R/o Satara, Near Khandoba Mandir,
Dist. Aurangabad | |

Mr. F. V. Patel, Advocate for the applicants
Mr. A. S. Shinde, APP for the State.
Mr. K. B. Jadhav, Advocate for the intervenor.

CORAM : K. L. WADANE, J.

DATE : 10th July, 2017

ORDER:

1. Heard Mr. Patel, learned counsel for the applicants and Mr. Shinde, learned APP for the State and Mr. Jadhav, learned counsel for the intervenor.

2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.121/2017, registered with City Chowk Police Station, Aurangabad for the offences punishable under sections 420, 323, 504, 506 read with section 34 of the Indian Penal Code, 1860 and Sections 3(1(f)(f)(s) of the SC & ST (Prevention of Atrocities) Act.

3. On 01.04.2017, Harishchandra Bhalerao lodged a complaint to the City Chowk Police Station, Aurangabad, alleging that the applicant by Sudhakar purchased landed property as per sale deed dated 30.03.2011, however, no consideration is paid. Total amount of consideration was fixed to Rs.30,73,000/-, however, only an amount of Rs.3,75,000/- is mentioned in the sale deed and nothing was paid by the applicants. The applicant Sudhakar has made another agreement dated 25.02.2016 and also issued cheque in favour of the complainant on 21.03.2017. The complainant and his wife

went to the house of the applicants and demanded the amount, upon which the present applicants have abused the complainant on his caste. On the basis of the information lodged, the offence came to be registered against the applicants/accused.

4. I have gone through the papers of investigation and other relevant documents. On perusal of the papers, it appears that the transaction between the applicant Sudhakar and complainant was entered on 30.03.2011. The alleged incident took place on 21.03.2017. The offence came to be registered on 01.04.2017. From the papers of investigation, the dispute between the parties appears to be of a civil in nature. According to the complainant, the cheque issued by the applicant Sudhakar was not honoured as the applicants has stopped payment.

5. Looking to the rival contentions of the parties, and upon hearing both the sides, it appears that the dispute between the parties is of civil in nature. The allegation of abusing on caste appears to be vague and general in nature.

6. In view of the above circumstance, I am of the opinion that custodial interrogation of the applicants

is not needed and therefore, the applicants can be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of the applicants in both the applications, in connection with Crime No.121/2017, registered with City Chowk Police Station, Aurangabad they shall be released on bail on their executing P.R. Bond of Rs. 25,000/- [Rs. Fifteen thousand only] each, with one solvent surety in the like amount.
- ii. The applicants shall not tamper with prosecution witnesses in any manner and shall cooperate in the further investigation
- iii. Both the Criminal applications are disposed of.

(K. L. WADANE, J.)

JPC