

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2563 OF 2017

Jay s/o Bhaurao Khandagale ... **Applicant**
Age 46 years, Occu: Business,
R/o Plot No.12, Gajanan Nagar,
New Osmanbpura, Aurangabad.

VERSUS

The State of Maharashtra ... **Respondent**
Through Osmanpura Police
Station, Aurangabad, Tq. & Dist.
Aurangabad

Mr. Vikram S. Kadam, Advocate for the applicant
Mr. S. B. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 6th June, 2017

ORDER:

1. Heard Mr. Kadam, learned counsel appearing for the applicant and Mr. Joshi, Learned APP for the State.

2. Perused papers of investigation, from which, it appears that offence, bearing Crime No.I-97/2017 is registered against the present applicant with Osmanpura Police Station for the offence punishable under Sections 420 read with section 34 of the Indian Penal Code. Allegation against the applicant/accused is that inspite of entering into agreement for sale with the complainant, he is unable to perform his part of contract. In view of the transaction, the complainant

gave some amount to the applicant accused and his mother by cheque and subsequently the transaction between the parties is canceled. The complainant secured cheque from the applicant against the said amount but the same was dishonoured. Therefore the complainant filed a complaint, on the basis of which, offence is registered.

3. From the documents, contents of the respective parties and papers of investigation, it appears that dispute between the parties is of a civil nature and Investigating Officer can very well secure the documents pertaining to the transaction between the parties and police custody is not necessary for the same. In the circumstances, the application succeeds. Hence it is allowed.

4. In the event of arrest of the applicant in connection with Crime No.I-97/2017, registered with Osmanpura Police Station for the offence punishable under Sections 420 read with section 34 of the Indian Penal Code, he shall be released on bail on his executing P.R. Bond of Rs. 25,000/- [Rs.Twenty five thousand only] with one solvent surety in the like amount.

5. Applicant is directed to cooperate during investigation and produce necessary documents before the Investigating Officer as and when called for.

6. Criminal application disposed of.

(K. L. WADANE, J.)

JPC