

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

CRIMINAL APPLICATION NO. 2620 OF 2017

Balaji s/o Jankiram Chabharekar ... **Applicant**
Age 37 years, Occu: Business,
R/o Nath nagar, Hanumangad,
Nanded Tq. & Dist. Nanded

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Station officer,
Manatha Police Station, Tq.
Hadgaon, Dist. Nanded

Mr. Gajanan G. Kadam, Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 27th June, 2017

ORDER:

1. Heard Mr. Kadam, learned counsel for the applicant and Mr. Lokhande, learned APP for the State.
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. 33/2017, registered with Manatha Police Station, Tq. Hadgaon, Dist. Nanded for the offences punishable under sections 420, 404 and 406 of the Indian Penal Code.
3. Informant one Sheela Tukaram Jadhav lodged complaint to Manatha Police Station, Taluka Hadgaon alleging that there was agreement between the present

applicant and the informant. The applicant agreed to purchase JCB machine for consideration of Rs.6.50 lakhs and remaining loan amount was to be paid by the applicant. However, in breach of terms and conditions of the agreement, the present applicant refused to deposit the instalment of loan amount. The present applicant also failed to pay the amount of consideration as agreed nor he returned the JCB Machine to the informant.

4. Learned counsel appearing for the applicant submits that the present applicant has filed Regular Civil Suit No. 112/2016 against the complainant for perpetual injunction and the same is pending. The informant appeared and submitted her written statement to the suit.

5. Looking to the averments made in the complaint, and the copy of the plaint and written statement, it appears that the dispute appears to be of a civil in nature. The parties have also approached the Civil Court.

6. In view of the above circumstance, I am of the opinion that custodial interrogation of the applicant is not needed and therefore, the applicant can be

enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. 33/2017, registered with- Manatha Police Station, Tq. Hadgaon, Dist. Nanded, 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.
- ii. Criminal application disposed of.

(K. L. WADANE, J.)

JPC