

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

CRIMINAL APPLICATION (ABA) NO. 571 OF 2017

(Vijay S/o Prabhakar Yelkunchwar..vs..State of Maharashtra, through PSO.PS.Sonegaon,Nagpur.)

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

Court's or Judge's orders.

Shri P.S.Dhenge, Advocate for applicant.
Shri M.J.Khan, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J

DATED : AUGUST 11, 2017

Heard learned counsel for applicant and learned
A.P.P. for State-non-applicant.

2] The present application is under Section 438 of Code of Criminal Procedure for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.139/2017, registered with P.S.Sonegaon,Nagpur, for the offence punishable under Sections 420,468,471 r/w Section 34 of the Indian Penal Code.

3] The F.I.R. is lodged by one Sunil Chandrakant Doshi, a person engaged in the business of real estate property and having an office at Manish nagar,Nagpur. Since last one year he was acquainted with present applicant and other accused and therefore, he gave Rs. 1,20,000/- to the present applicant and other amount was given to other co-accused. When the complainant demanded the said amount back it is the allegation in the F.I.R. that applicant and other co-accused informed him that they had purchased a property from one Pramila Gajbe and they will execute the sale deed of the said

land in favour of the complainant. According to the F.I.R. when complainant had been to housing society for obtaining no objection certificate alongwith sale deed that time it was informed to him that for obtaining the no objection certificate the complainant will require to incur expenses of Rs. 50000/-.Thereafter, when he tried to contact the present applicant and other co-accused they were not contacted therefore, the complainant went to original owner Pramila Gajbe that time he noticed that woman which was brought to the office of the complainant was not Pramila Gajbe but was some other lady. These are the allegations in the F.I.R.

4] In view of the aforesaid nature of accusations against the present applicant it is clear that the complaint is filed in view of monetary dispute which he is having with the present applicant. Further, in view of the nature of the accusations,I am satisfied that the custodial presence of the present applicant is not at all warranted. However, conditions can be imposed upon the present applicant so that it will be helpful to the investigating officer to investigate into the matter to file appropriate report before the Court of law. Hence, the order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of applicant Vijay Prabhakar Yelkunchwar, Crime No.139/2017, registered with P.S.Sonegaon,Nagpur, for the offence punishable under Sections 420,468,471 r/w Section 34 of the Indian Penal Code,he shall be released on his

executing P.R. Bond of Rs. 20,000/- with two solvent sureties in the like amount.

- III) The applicant shall attend P.S.Sonegaon,Nagpur on 18/8/2017, 20/8/2017 and 21/8/2017 and thereafter shall attend the police station on every 3rd Tuesday and 3rd Saturday in between 3.00 p.m. to 5.00 p.m. till filing of the chargesheet.
- IV) He shall not tamper the prosecution witnesses.
- V) With this the application is disposed of.

JUDGE