

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.85 OF 2019

Sidharth Balbhim Dhage, Age 41 years,
Occ.Agri. & Business, R/o.Near Buddha Vihar,
Pakharsangavi, Tal.Latur, Dist.Latur.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sarwadnya Kadtane for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.K.J.Babar, PSI, Thane Nagar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th January 2019

PC :

1. This is an application for bail in CR No.I-161 of 2018 registered with Thane Nagar Police Station for offences under Sections 420, 468, 406, 394, 504, 506 r/w 34 of Indian Penal Code. The case of prosecution is that the complainant had executed transaction of sale of crane to applicant and the consideration was agreed between the parties was Rs.35 lakhs. It is submitted that the applicant took away the crane with him but the payment was not made. Two agreements were signed between the parties, one in English and another in Marathi language. The document which was executed in Marathi language indicated that payment was made to the complainant, whereas the agreement which was executed in English shows that payment would be made in future course of time. Apparently the agreements were signed by both the parties. The contention of the applicant is that entire payment was made to the applicant. Rs.25 lakhs were paid in cash and Rs.10 lakhs were paid

by cheque. The cheque issued by the applicant, however, has been dishonoured. The applicant relies upon agreement wherein it is stated that payment is made and also alleged receipt of the payment made in cash. It is contended that the applicant had filed a complaint on 4th July 2018 with police alleging that the complainant is not providing documents relating to crane in spite of payment being made. The complainant has filed private complaint being RCC No.2006 of 2018 wherein directions were issued and pursuant to that the FIR was registered. During course of investigation the statement of crane operator was recorded by police. In the said statement it is stated that the cheque which is given to the complainant was bounced. It is pertinent to note that the applicant is also a signatory to the agreement which was executed in English language wherein it is mentioned that payment is to be made in future course of time. The investigation is required to be conducted. The crane was found in possession of applicant which is seized by police.

2. Taking into consideration the nature of allegations, no case for grant of anticipatory bail is made out. Hence, anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)

MST