

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

CRIMINAL APPLICATION (ABA) NO.452 OF 2020

(Chandradeep s/o Devidas Tantarapale Vs. The State of Maharashtra thr. PSO PS
Frezarpura, Amravati)

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

Court's or Judge's orders.

Mr. A.R. Ingole, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 15th DECEMBER, 2020.

Heard.

2. The applicant is apprehending arrest in Crime 222/2020 registered with Police Station Frezarpura, Amravati for offence punishable under section 420, 417 read with section 34 of the Indian Penal Code.

3. The crime is registered on the basis of the report lodged by Mr. Dhamachandra Harishchandra Shende. The substratum of the report is that the applicant and his associates, doing business under the name and style "Decan Developers Private Limited" duped the informant and several other purchasers of the plot by promising to construct poultry shed on their respective plot and induced each plot owner to pay Rs.50,000/-.

4. The learned counsel for the applicant Mr. Ingole would submit that the complaint is a counterblast to the earlier complaint dated 18.12.2019 lodged by the applicant alleging issuance of threats etc. However, in the same complaint it is admitted that the applicant received Rs.50,000/- from each plot owner.

5. The submission that the complaint is a counterblast cannot be countenanced since there is ample material on record to link the applicant with the crime.

6. The next submission of Mr. Ingole is that the dispute is of civil nature. However, it is pointed out by the learned Additional Public Prosecutor Mr. Doifode that after accepting Rs.50,000/- from as many as 28 plot owners under the pretext of construction of poultry shed, nothing whatsoever was done to give effect to the promise. The reasonable inference is that a false representation was made which was never to be acted upon. I am therefore, satisfied that in the facts of the present case, the dispute is not purely a civil in nature.

7. The applicant has not complied with the condition of interim protection. The State has stated on oath in the affidavit-in-reply that despite the direction issued while granting interim protection, the applicant has not attended the police station. This assertion is not rebutted by the applicant by filing a counter affidavit. In this view of the

matter, no discretion can be exercised in favour of the applicant. The application is dismissed.

JUDGE

NSN