

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

913 ANTICIPATORY BAIL APPLICATION NO.856 OF 2021

**DEELIP DAULAT PATIL
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.G.V. Wani
APP for Respondent-State : Mr. V.M. Kagne
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 06th August, 2021.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the State.

2. The material on record clearly suggest the applicant had intention to cheat the complainant since inception of the transaction. Applicant had agreed to construct the house and sell the same to the complainant for consideration. The agreement was executed on 15th October, 2016. Applicant had received Rs. 3,00,000/- from the complainant. He neither constructed the house nor returned the money.

3. Evidence on record shows that the land on which the applicant had agreed to construct the house does not belong to him.

This land was sold by one Suyog Subhash Yawalkar to Prabhakar Kashinath Bari and Vasudev Arun Mistri by a registered sale deed on 06th October, 2016 and the applicant herein was witness to this sale deed. The facts of the case shows the promise by the applicant to construct the house was actuated with dishonest intention to cheat the complainant. No case is made out, therefore, the complicity of the applicant in the alleged crime is apparent.

4. At this stage, learned counsel for the applicant seeks leave to withdraw the application.

5. Leave is refused.

6. Application is dismissed.

(SANDEEP K. SHINDE)
JUDGE