

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

Criminal Application (BA) No. 704 of 2021

[Shri Ravishankar S/o Chandrabhan Gupta ..vs.. State of Maharashtra through Officer Incharge, Ajni
PS., Nagpur, Tahsil & Dist. Nagpur]

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

Court's or Judge's orders

Mr. Akhtar Nawab Ansari, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 26-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking bail in connection with Crime 107/2021 registered with Police Station, Ajni, Nagpur for the offence punishable under Section 420 of the Indian Penal Code.

3. The applicant is in custody since 27-2-2021. The investigation is complete and the charge-sheet is filed.

4. The crime is registered on the basis of report lodged by Mr. Biharilal Soni who alleged that in the year 2006, the applicant induced him to part with

Rs. 6,50,000/- as consideration for sale to two Blocks 8 and 9 situated at Mouza Babulkheda. Mr. Biharilal Soni alleged that he was inducted as a tenant in the year 2002 and then entered into an agreement of purchase of shop blocks and paid the applicant herein the said amount.

5. The gist of the report is that the property was owned by Bhagirathibai Patle who executed a power of attorney in favour of the applicant. The allegation is that notwithstanding Bhagirathibai's death, the applicant executed sale deed in favour of his wife, availed loan, the loan account went in red and the bank seized the building under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act.

6. It is not disputed that Mr. Biharilal Soni has instituted civil suit seeking specific performance. The suit is pending before the competent Court. In this view of the matter and considering that the investigation is complete and the charge-sheet is filed, I do not see any propriety in continuing incarceration.

7. Learned Additional Public Prosecutor Mr. Rao points out that there are other offences which are registered against the applicant. One offence appears to be in connection with some plot and this Court has granted bail. Be that as it may, it is not the case of the prosecution that the applicant is at flight risk. Considering the nature of the dispute, I am not inclined to reject the bail on the ground that there is some offence registered against the applicant in the past. The application is allowed.

8. The applicant be released on bail on furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

9. The application is disposed of in the aforestated terms.

JUDGE

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