

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 493 OF 2021**

Sandip Sahadev Meshram,

..vs..

State of Maharashtra, through P.S.O. P.S. Wadi, Nagpur.

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

Court's or Judge's orders

Shri Syed Shahid, Advocate for applicant.

Shri S.M. Ghodeswar, A.P.P. for non-applicant/State.

**CORAM : VINAY JOSHI, J.**

**DATED : DECEMBER 02, 2021**

Heard.

2. The informant lodged a report regarding misappropriation and cheating against the applicant on 12/07/2021. It is her case that applicant agreed to sale a plot in consideration of Rs.4,05,000/- for which executed an agreement. The applicant has accepted total part consideration of Rs.3,65,000/- however neither sale-deed was executed nor amount was refunded. It is alleged that though applicant was not the owner of the plot, by deceitful intent, he has executed agreement and defrauded her.

3. The State has resisted bail by filing reply-affidavit. The contents of First Information Report have been narrated in brief. Besides that it is pointed out that one another offence of similar nature has been registered. Having regard to this fact bail is

prayed to be rejected.

4. It is applicant's case that the concerned plot belongs to one society. Under valid agreement dated 27/05/2020 applicant was authorized by the president of the society to carve out plots as well as execute agreements to that effect. Perusal of agreement executed by the applicant with informant discloses that there is specific reference that plot belongs to society. Prima facie there is no material to indicate that applicant misrepresented that he is the absolute owner of the plot.

5. The applicant's learned Counsel submitted that since there was change in plot number, the transaction was not materialized. During the pendency of this application, the applicant has deposited entire amount of Rs.3,65,000/- with this Court. Case paper discloses that the applicant had also received amount of Rs.1,05,000/- from another prospective purchaser namely Subhash Dhurve. It is submitted that said Subhash Dhurve has issued a statutory notice to the applicant as a cheque was dishonored. The applicant's learned Counsel has produced a notice reply dated 24/08/2021 accepting the liability of Rs.1,05,000/- and his intention to refund. In view of above circumstances, prima facie it is difficult to hold that since inception applicant was carrying deceptive intention. Therefore, applicant's liberty can be protected. The applicant has offered his no objection

to refund the deposited amount to original informant towards her dues. In view of that following order:

(a) Application stands allowed.

(b) Ad-interim order dated 06/08/2021 is hereby made absolute upon same terms and conditions.

(c) Henceforth, the applicant shall attend concerned police station as and when called.

(d) The informant is at liberty to withdraw the amount of Rs.3,65,000/- deposited in this proceedings. Investigating officer to inform this order to the original informant.

**JUDGE**

*R.S. Sahare*