

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

CRIMINAL APPLICATION (BA) NO.870 OF 2021

(Subhendurai Suman Kumar Rai Vs. State of Maharashtra thr. PSO PS Khamgaon,
Tah. Khamgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. R. S. Akbani, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd SEPTEMBER, 2021.

The applicant is seeking bail in connection with Crime 515/2021 registered with the Police Station Khamgaon, Tah. Khamgaon, Dist. Buldhana for offence punishable under section 420 read with section 34 of the Indian Penal Code, which crime is registered on the basis of report lodged by Ashutosh Singh.

2. It is alleged that the applicant accepted certain amount from the complainant and promised to supply a certain quantity of mobile sets. The transaction is not one, but there were apparently multiple transactions between the complainant and the accused. The complainant alleges that the applicant neither supplied the balance quantity of mobile sets nor did he refund Rs.12,90,000/- (Rupees Twelve Lakhs Ninety Thousand only) which he already paid as consideration.

3. Mr. Akbani, the learned counsel for the applicant would submit that the transaction is essentially civil and the criminal law is set in motion as a leverage to recover dues, which in any event the applicant is not disputing. Mr. Akbani points out that after the arrest the applicant paid the complainant Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and issued post dated cheques for the balance due. Mr. Akbani assures the Court, on instructions received from the wife of the applicant, that further amount of Rs.2,00,000/- (Rupees Two Lakh only) shall be deposited in the jurisdictional court, and said payment may be made a condition of bail and the post dated cheques shall be duly honoured.

4. Considering the nature of the accusation, and the undertaking given in order to show the *bona fides* of the applicant, a case for grant of bail is made out.

5. The applicant be released on bail on furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and solvent surety of like amount. The surety shall be respectable person from the State of Maharashtra.

6. The bail order shall come into effect subject to deposit of Rs.2,00,000/- (Rupees Two Lakh only) with the jurisdictional court.

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

8. The applicant shall attend each date of hearing scrupulously.

9. The applicant shall not leave the country without the permission of the Trial Court.

JUDGE