

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1335 OF 2021

Suryakant s/o Shankarrao Dudhane ... Applicant

Versus

1. The State of Maharashtra
2. Renurao Sambhaji Muneshwar ... Respondents

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Ms. Sapna S. Jadhav, Advocate for applicant.

Mr. V. M. Kagne, APP for respondent No.1 – State.

Mr. D. B. Pokale, Advocate for respondent No.2.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08.04.2022

ORDER :-

. Applicant is apprehending his arrest in connection with Crime No.83 of 2021 registered with Kinwat Police Station, Dist. Nanded for the offences punishable under Sections 420, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Ms. Sapna S. Jadhav for the applicant, learned APP Mr. V. M. Kagne for the respondent No.1– State and learned Advocate Mr. D. B. Pokale for respondent No.2. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. It is to be noted that when the matter was on board on 09.03.2022, a voluntary statement was made on the basis of document Annexure 'E' at page No.47 that in the year 2016 amount of Rs.5,00,000/- was taken by the applicant from the informant - respondent No.2 and he is ready to pay that amount to him within three weeks from today i.e. 09.03.2022. Even the learned Advocate for respondent No.2 was showing readiness on behalf of respondent No.2 that he would accept the amount. In view of the voluntary move, interim protection was granted till next hearing and the applicant was directed to give amount of Rs.5,00,000/- through Demand Draft on 30.03.2022 and the matter was directed to be placed on 01.04.2022. Thus, the interim protection was granted only on the basis of the said statement till 01.04.2022. However, on 01.04.2022, the learned Advocate for the applicant was absent and learned Advocate for respondent No.2 submitted that there is no compliance of the order dated 09.03.2022. The amount, for which voluntary statement was made that the applicant would pay it by Demand Draft to the respondent No.2, was not paid. Therefore, in view of that position, because of the non compliance, the interim protection was not extended, rather it was vacated. Therefore, when the applicant is not ready to abide with the voluntary statement, then definitely there appears to be substance in the charge under

Section 420 of Indian Penal Code against him.

4. Perusal of the contents of the FIR would show that there are specific allegations against the present applicant, who has been stated to be accused No.2. The applicant has contended that there was promise by both the accused persons that they would give job to the informant and the witnesses and, therefore, since July, 2016, they have collected various amounts from various persons. Amount that has been collected is to the tune of Rs.8,50,000/-. Annexure 'E' is the photocopy of an agreement which is stated to have been executed between the informant and applicant and it states that he had taken cash of Rs.5,00,000/- as a loan. Even if for the sake of arguments it is accepted that the real transaction appears to be something different, yet that much was the amount which was due from the applicant to the informant, for which he had shown the readiness but ultimately has not kept his words and therefore, this is not a fit case where this Court should exercise its powers under Section 438 of the Code of Criminal Procedure in favour of the applicant. Application, therefore, stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm