

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

CRIMINAL APPLICATION (ABA) NO.424 OF 2022

Vilas S/o Mulchand Patil

Versus

State of Maharashtra, through P.S.O., P.S. Ramdaspath, Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.G. Karmarkar, Adv. a/w Shri Inamul Haque, Adv. for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.252 of 2022, dated 20.04.2022, registered with Police Station Ramdaspath, District: Akola, for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code.

2. Shri Karmarkar, learned counsel for the applicant submits that the applicant has acted as a power of attorney holder of the complainant and his role is not more than that. He further submits that the applicant has been falsely implicated in the alleged offence.

3. The learned counsel for the applicant further submit that there was a clause in the power of attorney that it will not be cancelled and therefore, he submits that

execution of sale deeds of plot nos.10, 11, 28 and 6 cannot be treated as illegal or for that purpose, no offence will attract against the applicant. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri S.D. Sirpurkar, learned APP strongly opposes the present application and submits that during the investigation, the Investigation Officer has collected sufficient material, from which it can be seen that on the basis of the power of attorney the applicant had executed sale deeds of plot nos.10, 11, 28 and 6 though the said power of attorney was cancelled by the complainant long back and in this way he cheated the complainant. Accordingly, he prays for rejection of the present application.

5. I have perused the Case Diary, First Information Report (FIR) and reply of the State.

6. It appears from the Case Diary that the plots in disputes are owned by the complainant and initially the power of attorney was given to the applicant to deal with mentioned in it plots. However, subsequently, the power of attorney was cancelled and after cancellation of the power of attorney given to the applicant, the applicant executed sale deeds of those four plots and accepted money from the purchaser. After getting the knowledge of the same, the

complainant lodged the complaint and accordingly, offence under Section 406, 420 read with Section 34 was registered.

7. Considering the material collected by the Investigation Officer, I am of the opinion that *prima facie* incriminating material is there to show the involvement of the applicant in the alleged offence. Accordingly, I am not inclined to grant bail to the applicant. Hence, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]