

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

CRIMINAL APPLICATION (ABA) NO.898 OF 2021

Yuvraj Raosaheb Deshmukh

Versus

State of Maharashtra, through P.S.O. Shegaon City, Tq. Shegaon, Dist. Buldhana

AND

CRIMINAL APPLICATION (ABA) NO.899 OF 2021

Ganesh Ashokrao Deshmukh

Versus

State of Maharashtra, through P.S.O. Shegaon City, Tq. Shegaon, Dist. Buldhana

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

Court's or Judge's Order

Shri Mohd. Ateeque, Advocate for the applicants (in both applications).

Shri M.J. Khan, A.P.P. for the non-applicant/State.

Shri A.P. Tathod, Assist to prosecution (in both applications).

CORAM : ANIL S. KILOR, J.

DATED : 08/03/2022

1. On the allegations that though the applicants were not the owner of the land in question, they entered into an agreement with the complainant and received amount of Rs.2,25,000/- and subsequently, failed to execute sale-deed in favour of the complainant, the Crime No.700 of 2021, dated 19.11.2021 was registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 417 and 420 read with Section 34 of the Indian Penal Code.

2. Shri Mohd. Ateeque, learned counsel for the applicants submits that there were no intention of cheating. In fact, there was an agreement of the land in question in favour of the applicants and on the basis of the same, they entered into an agreement with the complainant. He therefore, submits that there is no involvement of the applicants in the alleged offence.

3. It is further submitted that the applicants have attended the concerned Police Station as directed by this Court while granting *ad-interim* protection to the applicants and they have not misused the liberty.

4. Shri Mohd. Ateeque, learned counsel for the applicants further submits that to show the bonafides of the applicants, the applicants are ready to deposit 2,25,000/- in the trial Court.

5. Shri M.J. Khan, learned APP strongly opposes the applications on the ground that there is sufficient material available to show the involvement of the applicants.

6. Shri Tathod, learned counsel appearing for the complainant and assisting the prosecution in these cases, reiterates the submission of the learned APP and prays for rejection of the present applications.

7. On perusal of the Case Diary and the contents of the First Information Report, it reveal that the relevant documents have been seized by the Police and as such, the custodial interrogation of the applicants is not necessary in these cases.

8. Moreover, as the applicants have made a statement that they are ready to deposit Rs.2,25,000/- in the trial Court to show their bonafides, I am of the opinion that the ad interim protection granted to the applicants vide order dated 30.12.2021, needs to be confirmed. Hence, I pass the following order:

- i) Accordingly, the application is **allowed**.
- ii) The order passed by this Court dated 30.12.2021, is confirmed with a modification, that the applicants shall deposit Rs.2,25,000/- in the trial Court within one months.
- iii) Failure to deposit the said amount, the applications shall stand dismissed.
- iv) The applicants shall attend the concerned Police Station as and when their presence is required.

Both the applications stand **disposed of**.

[ANIL S. KILOR, J.]

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