

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO. 6 OF 2023

Rajesh Gokulchand Khivansara

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. S.B. Jadhav, Advocate for applicant

Mr. A.S. Shinde, A.P.P. for respondent no.1 – State

Mr. N.G. Kale, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATE : 20th APRIL, 2023

PER COURT :

1. Heard.

2. The anticipatory bail granted to Respondent No.2 is sought to be cancelled. According to learned counsel for the applicant, Respondent No.2 has duped the informant of Rs.5 lakhs. When she had no right, title and interest in land Plot No.19 bearing CTS No. 16034/1/20, still she received Rs.5 lakhs from the applicant through RTGS. She was in fact not entitled to receive the money. It is also informed that she is not co-operating in investigation. She has never appeared before the investigating officer. On all these ground anticipatory bail granted to her is sought to be cancelled.

3. This Court, vide order dated 21st December, 2022 granted anticipatory bail to the co-accused with certain terms and conditions. Respondent No.2 is a lady. It appears that she did not claim any right, title and interest in the land that was the subject matter of sale-deed. The record indicates that her signature was obtained on the sale-deed as the consenting party and for which she was paid Rs.5 lakhs. The applicant has remedy in a civil suit to recover the amount which appears to have been voluntarily paid to Respondent No.2 – accused. Moreover, she being a lady and the co-accused, who have played major role in the crime, have already been granted anticipatory bail, true on certain terms and conditions of paying back the amount to the informant, this Court finds no case in allowing the present application. Same is, therefore, rejected.

(R.G. AVACHAT, J.)

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