

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

47 BAIL APPLICATION NO.468 OF 2023
WITH APPLN/1092/2023 IN BA/468/2023

DILAVAR WALI MOHAMMAD KAKKAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gangakhedkar Shailendra S.
APP for Respondent-State : Mr. K. S. Patil.
Advocate for Complainant to assist APP : Mr. Vijay B. Jagtap.

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CORAM : S. G. MEHARE, J.
DATE : 20.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the first informant.

2. The learned counsel for the applicant would submit that it was purely a civil dispute, in which, the contract could not be concluded. However, the applicant has paid the substantial amount of Rupees Eighteen Lakh to the first informant. The first informant is not disputing the fact that out of rupees Twenty Lakh, Eighteen Lakh has been paid to him. He has no objection to grant him a bail. It appears that it was a civil dispute arising out of contract. That apart, the allegations of

duping by Two Crores have been levelled against the accused. There are other co-accused also. Huge portion of the alleged share received by the applicant has been paid to the complainant. Whether it is cheating or not is a matter of trial. In the facts and circumstances of the case, it would not be appropriate to keep him behind bar. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DILAVAR WALI MOHAMMAD KAKKAL** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.468 of 2022, registered by Police Station Shivajinagar, District Beed, for the offences punishable under Sections 420, 409, 467, 468, 469, 471 read with Section 34 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every effective date.

(iii) Criminal application No.1092 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-