

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 834 OF 2023

Shubham Rajendra Lunawat

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. S. Sawant, Advocate holding for Mr. U. A. Bhadgaonkar,
Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 721 OF 2023

Dinesh @ Yogesh Kantilal Lunawat

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. S. Sawant, Advocate holding for Mr. U. A. Bhadgaonkar,
Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 30th JUNE, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime
No. 37/2023 registered with Dharangaon Police Station, District

Jalgaon for the offences punishable under Sections 417, 119, 420, 406, 120-B, 201 read with Section 34 of the Indian Penal Code, which is essentially a commercial transaction between two parties.

2. Heard both sides.

3. Perusal of the First Information Report clearly indicates that there was a transaction of purchase of maize by applicants from the informant. It is also stated therein that out of total sum of Rs. 68,67,242/-, sum of Rs. 38,00,000/- is already paid by the applicants. Since the remaining sum is not yet paid, present offence came to be registered. Prima facie perusal of the First Information Report does not show that there was any intention since inception of transaction on the part of the applicants to cheat the informant. Thus, offence punishable under Section 420 of the Indian Penal Code does not get attracted. There is no question of attracting offence under Section 406 of the Indian Penal Code as there is no breach of trust claimed by the informant against applicants. There is reason to accept contention of learned counsel for applicants that this is nothing but pressurising tactics adopted by the informant for recovery of amount which otherwise could be recovered by adopting

civil remedy. Except for recovery of amount as claimed by informant, no other recovery is to be done from the applicants. All documents are in custody of informant. Hence custodial interrogation of applicants is not necessary. Hence, applications are allowed in terms of the interim order.

4. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb