



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [ABA] No.506 of 2023**

*Mr. Umesh Udayram Yadav*

vs.

*State of Maharashtra, through P.S.O., Police Station M.I.D.C., Nagpur*

-----  
*Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.*

*Court's or Judge's Orders*

*Mr. R.R. Vyas, Advocate for the Applicant.*

*Mr. N.R. Rode, A.P.P. for the Non-Applicant/State.*

**CORAM : M.W. CHANDWANI, J.**  
**DATE : 21<sup>st</sup> SEPTEMBER, 2023.**

Apprehending arrest in Crime No.191/2023, registered with Police Station M.I.D.C., Nagpur for the offence punishable under Sections 406 and 420 of the Indian Penal Code, the present application for anticipatory bail has been filed.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] I have gone through the case diary. It transpires that the applicant agreed to sale Plot No.26 to the father of the complainant for a consideration of Rs.19,97,750/-. The applicant executed agreement of sale by accepting earnest amount of Rs.11,000/- as well as three cheques from the informant. The applicant encashed one cheque of Rs.2,00,000/-. When the informant came to know that the accused sold the plot to another person, she intimated to her bank about not to encash the remaining cheques. Further on insistence of the complainant, the applicant returned only Rs.20,000/- out of Rs.2,11,000/-. Therefore, on the complaint of the complainant, offence of cheating and misappropriation of fund has been registered.

04] It appears that the applicant has returned Rs.20,000/- out of Rs.2,11,000/- and for rest of the amount, he had issued cheque, which came to be dishonoured. Whether the applicant had intention of cheating since inception, is a matter of trial. *Prima facie* it appears to be a case of predominantly civil in nature. A civil suit for recovery of the balance amount has also been filed against the present applicant.

05] Considering the nature of allegations, nature of offence and the punishment prescribed thereon, I am of the view that a case is made out for exercising of an extraordinary discretion. Hence, the following order :

06] Interim order passed by this Court on 01/08/2023 is hereby confirmed. Accordingly, the application is disposed of.

**JUDGE**

*\*sandesh*