



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

CRIMINAL APPLICATION (BA) NO. 587 OF 2024

Balkrushna Bawanji Jawanjal Vs State of Maharashtra

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

Court's or Judge's Order

Mr. R.D. Wakode, counsel for the applicant.

Mr. C.A. Lokhande, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/07/2024.

1. This is an application for grant of bail. The applicant came to be arrested on 20/04/2024, in connection with Crime No. 383/2024 registered with police Station Gadge Nagar, Amravati City, District Amravati for the offence punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860; and Sections 82 and 83 of the Registration Act, 1908.

2. The crime is registered on the basis of the report lodged by one Atul Sumersingh Raghuwanshi on an allegation that he got acquaintance with one Yogesh Dinesh Wasani, who has shown him in plots No. 102/6 and 102/7 admeasuring 3000 Sq. Ft. and asked him to purchase it for the purpose of investment. He also informed him that initially the said plot was agreed to be purchased by one Roshan More; however, he is not having money and therefore, it is to be sold. Therefore, he entered into an agreement and handed over the earnest amount to Roshan

More. However, it was revealed that the said Roshan More is not the owner of the said plot, but Shardha Navghare was the owner of the said plot. It is further alleged that a fake lady by the name Smt. Shardha Navghare was kept present for execution of the sale deed, and the informant was duped by the co-accused as well as the present applicant. On the basis of the same, the police have registered the crime.

3. Learned counsel for the applicant Mr. R.D. Wakode submitted that, as far as the role of the present applicant, which is mentioned in the FIR, is concerned, only to the extent of his presence, neither he has received any amount from the complainant nor has he stood as a witness. Moreover, he also invited my attention towards public notice which was issued before the execution of the sale deed. Thus, he submitted that every precaution was taken before purchasing the said property.

4. He further submitted that even considering the allegation as it is, no offence is committed by the present applicant. As far as his further incarceration is concerned, which is not required. In view of that, he be released on bail.

5. Learned APP strongly opposed the application, on the ground that there are criminal antecedents against the present applicant and investigation is still in progress. Therefore, prays for rejecting the application.

6. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers.

From which it reveals that, as far as the role of the present applicant is concerned, except his presence at the time of obtaining the earnest amount as well as at the time of execution of the sale deed, no role is attributed to him. The investigating officer has already collected the relevant documents, which is the part of the charge-sheet. Considering the role of the present applicant, his further incarceration is not at all required. As far as criminal antecedents are concerned, nothing is collected by the investigating officer during the investigation to show the criminal antecedents. Moreover, mere criminal antecedents are not sufficient to reject the bail application of the applicant. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) The applicant – Balkrushna Bawanji Jawanjal shall be released on bail, in connection with Crime No. 383/2024 registered with police Station Gadge Nagar, Amravati City, District Amravati for the offence punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860; and Sections 82 and 83 of the Registration Act, 1908, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned police station as and when required till filing of the charge-sheet.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]