

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**  
**APPELLATE SIDE JURISDICTION**

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|--------------------------------------------------------|------------------------------------------|---------------|----------------------------|
| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's | Office Coram, | Court's or Judge's orders. |
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CRIMINAL APPLICATION NO. 6606 OF 2014

ASHOK S/O GANGADHAR GHUGE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Thombre Chandrakant V.  
APP for Respondent: Mrs. B.B.Gunjale.  
Advocate to assist A.P.P.: Mr. M. B. W. Khan.

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**CORAM: T. V. NALAWADE, J.**  
**DATED: 27th FEBRUARY, 2015.**

**PER COURT:**

1. The application is filed for relief of anticipatory bail.
- 2, Both the sides are heard. Learned counsel Mr. M.B.W. Khan was allowed to assist learned A.P.P.
3. This Court has perused the papers of investigation.
4. The crime is registered on the basis of report given by one Mohammad Shafiuzzama Khan. Applicant No.1 Ashok is owner of Tata Safari Vehicle. Applicant No.3 is son of Applicant No.2 and advertisement was published by Applicant No.2 on Quikr.com that the owner intended to sell the vehicle. In response to that advertisement complainant approached the accused. The price was settled. It was represented to

the complainant by these applicants that there were no dues of finance company and if there were any dues they would make the dues clear. The complainant wanted to ascertain that there were no dues and he wanted to pay the dues directly by deducting the amount from the consideration agreed but the accused prevented him from doing so. They took the amount of Rs.2.5 Lakh from the complainant but they did not deposit the dues of the finance company. They did not sign the necessary forms to enable the complainant to register the vehicle in his name. In view of these circumstances, the report came to be given and the crime came to be registered for offence under sections 420, 406, 418 and 34 of I.P.C.

5. So many times the matter was adjourned to give opportunity to the applicants to settle the dispute out of the Court. Today, submission was made that there is no possibility of settlement.

6. The nature of allegations show that false representation was made and the complainant was made to pay Rs.2.5 Lakh. When there was promise to clear the dues of finance company that promise was not fulfilled and the amount which was accepted from the purchaser was misappropriated by the accused persons. The role played by the applicants is specifically mentioned in the F.I.R. One applicant signed on documents of the agreement, one applicant gave

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advertisement and the third one is the registered owner of the vehicle. It is not a fit case to grant the relief. The application is rejected.

**[T. V. NALAWADE, J.]**

Dt.27/02/2015  
ans/6606