

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

CRIMINAL APPLICATION NO.6196 OF 2015

Mohamad Sadek s/o Babamiya Ansari,
Age: 38 years, Occ: Business,
R/o. Azad Nagar, Parali V.
Tq. Parali V. Dist. Beed.

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mrs. Uma S. Bhosale, Advocate for applicant
Mr. V.H. Dighe, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 21st DECEMBER, 2015

ORAL ORDER :

The applicant is seeking pre-arrest bail, in connection with Crime No. 173 of 2015 registered on 18/08/2015 at Parali City Police Station, District Beed for the offence punishable under Sections 420, 406, 379 of the Indian Penal Code, for the offence committed on 13/08/2015.

2. Learned Counsel for the applicant submits that the offence has colour of civil dispute/contractual matter and in view of delayed F.I.R., applicant's false implication cannot be ruled out.

3. Mr. Dighe, learned A.P.P. has opposed the bail application on the ground that vehicle was in the custody of bank, missing of 100 number of empty fruit trays is to be investigated into. According to him, as such, custodial interrogation is necessary.

4. Having noticed that the bank, in whose custody, the vehicle was found was intact alongwith missing material but for empty fruit trays is having hire purchase agreement about the same.

5. It appears from the agreement between complainant and earlier owner that, during subsistence of hire purchase agreement, the vehicle in question was sold by original owner to the complainant and the complainant has failed to repay the amount.

6. In this back ground, the complainant having lost custody of vehicle for not paying loan amount requires to be appreciated.

7. Hence, false implication of the applicant cannot be ruled out. As such, the application stands allowed.

In the event of arrest, the applicant be released on bail, in connection with Crime No. 173 of 2015 registered at Parali City Police Station, District Beed for the offence punishable under

Sections 420, 406, 379 of the Indian Penal Code, for the offence punishable under Sections 420, 406, 379 of Indian Penal Code, on furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount. The applicant shall attend the concerned police station on 28/12/2015 and 29/12/2015 in between 10-00 a.m. to 12-00 p.m. and thereafter as and when called.

[N.W. SAMBRE, J.]