

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.802 OF 2015

Kaisar Sikandar Mulani and Others	... Applicants
vs.	
The State of Maharashtra	... Respondent

Mr. Balwant Potole i/b. Mr. Kirankumar Phakade, for the Applicants.
Mr. D.P. Adsule, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 12, 2015**

P.C.:

. Application is moved for pre arrest bail as the applicants/accused are apprehending arrest under Sections 406, 468 and 420 of Indian Penal Code in C.R. No. 117 of 2015 registered at Karad City police station, Karad.

2. It is the case of the prosecution that the complainant Sachin Gaikwad was the owner of one truck and through one middleman he received a proposal for purchasing the said truck as he wanted to sale it. On 14th February, 2015 he met with accused No. 1 and other accused who had arrived on the spot in a Bolero Jeep where the words “*Maharashtra*

Shasan” were painted. The transaction of the truck was fixed for Rs. 13,50,000/-. At that time, advance amount of Rs. 25,000/- was paid in cash and two cheques of ICICI bank were given to the complainant. However, it was also agreed that at the time of handing over the possession, cash amount of Rs. 50,000/- to be paid and after repayment of the loan which was on the truck was to be paid-off and subsequently the truck was to be transferred in the name of one accused Azim Pathan.

3. The agreement was made. The present applicants/accused signed as witnesses. However, they signed the agreement in different names. Subsequently, principal accused Pathan paid some cash and the complainant trusted him completely as he received amount of Rs. 50,000/- in cash, handed over the truck to accused No. 1 Azim. Thereafter accused refused to pay the remaining amount. The complainant also realized that the witnesses who had signed on the agreement are different than their names. Thereafter, he found that he is cheated.

4. The learned counsel appearing for the applicants/accused submitted that applicants/accused are innocent. The principal accused is already arrested and released on bail and the truck is also seized by the police. Hence, he prayed for bail.

5. The learned prosecutor opposed the application. He submitted that the two accused are facing charges for the forgery as they signed in different names on the agreement. On perusal of the first information report and the remand papers, it appears that the applicant/accused is one Ajiz Pathan who has taken away the truck. However, the truck is recovered.

6. Hence, the applicants/accused are protected by granting pre-arrest bail on following terms and conditions:

- a) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) each with one or two solvent surety/s in the like amount;
- b) The applicants/accused shall attend Karad City police station, Karad on every Tuesday in a week between 6.00 pm to 7.00 pm for one month (including Tuesday dt.21st July, 2015).
- c) The applicants/accused shall not indulge in any criminal activity or assault against anybody and cooperate the investigating officer in the investigation.

7. Anticipatory bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)