

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1748 OF 2015

Shri Vishal Shivaji Jagtap & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Saikumar P.M., Adv. for the applicants.
Mrs. R.V. Newton, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th December, 2015.

P.C. :

1. This an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Criminal M.A. No.523 of 2015 registered at Daund Police Station for offences punishable under Sections 382, 420 and 504 read with 34 of the IPC.

2. The complainant Sunil Kadam had purchased a vehicle No. MH -11 – AG - 9548 from one Shri Hanumant Anna Pawar. The complainant had alleged that the applicants were the employees of Shriram City Union Finance Ltd. a finance company which had granted loan to Hanumant Pawar for purchase of the said vehicle. The complainant had filed a private

complaint where he has alleged that on 29th July, 2015, the applicants herein committed theft of the said vehicle. The learned Magistrate by order dated 4th September, 2015 under Section 156 (3) of the Cr.P.C., ordered registration of the crime. Apprehending their arrest in the said crime, the applicants filed an application for anticipatory bail, which came to be dismissed by the learned Addl. Sessions Judge, Baramati by order dated 26th October, 2015. The applicants have therefore filed the present application under Section 438 of the Cr.P.C.

3. I have perused the records and considered the submissions advanced by Mr. Saikumar, the learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State. The records prima facie reveal that Hanumant Pawar had obtained a loan from Shriram City Union Finance Ltd. for purchase of a vehicle bearing No. MH-11-AG-9548 had hypothecated the said vehicle in favour of the company. Said Pawar had defaulted paying the loan amount. Hence the said company had issued a notice dated 8th July, 2015 to Mr. Pawar, calling upon him to pay the loan amount. By letter dated 28th July, 2015, said Hanumant Pawar informed the finance company that he was unable to pay the dues and authorised the company to seize the

said vehicle. The applicants who are the employees of the said finance company, seized the said vehicle, in view of the consent given by Mr. Pawar vide letter dated 28th July, 2015.

4. It is pertinent to note that the complainant has alleged that he had purchased the vehicle from said Hanumant Pawar. The learned APP concedes that the vehicle has not been transferred in the name of the complainant. Thus prima facie there is no material to indicate that the complainant had purchased the said vehicle from the applicant. On the contrary, the records reveal that the vehicle was hypothecated to the finance company and the borrower Mr. Hanmant Pawar had given no objection to the company to seize the said vehicle.

5. In the light of the above, this is not a fit case for custodial interrogation. The applicants are the permanent resident of Tal. Baramati, Dist. Pune and Dist. Satara. Hence, there is no possibility of the applicants absconding.

6. Under these circumstances, the application is allowed on the following terms and conditions :

1. In the event of arrest of the applicants in Criminal M.A. No.523 of 2015 registered at Daund Police Station, the applicants shall be released on bail bond of Rs.15,000/ (Rupees Fifteen Thousand Only) each with one or two sureties in the like amount to the satisfaction of the JMFC, Daund.
2. The applicants shall report to investigating officer for 4 days from 10 am to 1 pm from the receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.
4. The applicant shall not leave Dist. Pune till filing of the chargesheet without prior permission of JMFC, Daund.

(ANUJA PRABHUDESSAI, J.)