

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1599 OF 2016

Sachin Bhagwan Choudhari .....Applicant

V/s.

The State of Maharashtra ....Respondent

WITH  
CRIMINAL APPLICATION NO. 801 OF 2016  
IN  
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1599 OF 2016

Ramesh Baban Khaire ....Intervener

IN THE MATTER BETWEEN

Sachin Bhagwan Choudhari .....Applicant

V/s.

The State of Maharashtra ....Respondent

Mr. Aniket Nikam i/b Mr. Aashish Satpute Advocate for Applicant.  
Mr. Amey Deshpande Advocate for intervener.  
Mr. Vinod Chate APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.**  
**DATED : OCTOBER 5, 2016.**

**PC :**

- 1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 369 of 2016 at Indapur Police Station for offence punishable under section 420, 406, 504, 506 r/w 34 of the Indian Penal Code.
- 2) It is the case of the prosecution that on 31/07/2016, one Ramesh Khaire, the owner of tractor showroom lodged a report at the police station that on 31/10/2014, when he was in Surya Tractor Showroom, applicant had been to the showroom along with one Gudavale and Somnath Bodare. They had expressed their desire to purchase new Holland Tractor. The price was quoted as Rs. 6,90,000/-. Applicant had deposited Rs. 55,000/- and had asked the showroom owner to prepare the documents. For the remainder of the amount, applicant is alleged to have stated to showroom owner that he had submitted the documents for loan to finance company and would soon pay the amount by cheque.
- 3) On 19/03/2015, they again visited the showroom. Complainant had refused to give the delivery of the tractor. They had informed that they had filed a loan proposal to HDFC Bank. They had made the complainant talk on the cellphone with the HDFC Bank. They have had delivery of the tractor on

the ground that it was auspicious occasion and they would do Pooja and return the tractor. The tractor was never returned. Upon inquiry, it was learnt that they had created third party interests. It is seen that the applicant had indulged into similar offences and the reports are lodged against the applicant. The papers of investigation would indicate that applicant had been to the showroom to purchase the tractor with the intention of cheating as it was subsequently learnt that no proposal was filed with any bank.

4) In view of the above observations, application deserves to be rejected. However, it is made clear that the observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for an application under section 439 of the Code of Criminal Procedure, 1973.

5) Application, being sans merits, stands rejected. Intervention application is heard, allowed and disposed of.

**(SMT. SADHANA S. JADHAV, J.)**