

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(ABA) NO. 706 OF 2015

(DILIP PRALHAD KHANDARE...VS..STATE OF MAH., THR. PSO, PS MALEGAON, DISTT. WASHIM)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 17, 2016.

Heard Shri D.C.Chahande, advocate for the applicant and Shri N.B.Jawade, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail apprehending arrest in crime registered against him for the offence punishable under Sections 379 and 420 of the Indian Penal Code.

The accusations against the applicant are that he is involved in dealing with stolen vehicles.

The applicant has relied on the copy of the agreement dated 12th September, 2014 alleged to have been executed by Sanjay Narayan Patke from whom the father of the applicant claims to have purchased the tractor in question. The learned A.P.P. has submitted that earlier Sanjay Narayan Patke was not traceable, however, they have been able to find him out and his statement is recorded and he has denied that he has sold the tractor to Pralhad Rajaram Khandare (father of the applicant). It is submitted that the photocopies of the identity card issued by the Election Commission of India are also found to be forged.

The learned advocate for the applicant has submitted that when the father of the applicant realized that Sanjay Narayan Patke had played a fraud on him, he had gone to the concerned Police Station with complaint dated 11th January, 2016, however, it was not accepted on the ground that the complaint is required to be sent to Aurangabad as the crime regarding which the complaint was being made was committed within the jurisdiction of Aurangabad Police Station. It is submitted that as the complaint of the applicant was not accepted at Aurangabad also, the father of the applicant sent the complaint by Registered Post A.D.

Though this submission is made at the bar, it is unexplained as to why there is no reference about the above referred complaint either in the application or why it is not averred on affidavit.

Considering the facts on the record, in my view, the applicant is not entitled for protection at this stage.

The application is **dismissed**.

JUDGE