

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

CRIMINAL APPLICATION NO. 1589 OF 2017

Azharkhan Zahirkhan, Age 43 ... **Applicant**
years, Occ. Business, R/o.
Royat Galli, Old Jalna, Tq. &
Dist. Jalna.

V E R U S

The State of Maharashtra, ... **Respondent**
Through Police Station,
Shrirampur (City) Dist.
Ahmednagar.

Mr. S.J. Salunke , Advocate for the applicant
Mr. A.A. Jakatkar, APP for the respondent/State.

WITH

CRIMINAL APPLICATION NO. 1821 OF 2017

Gurumukhsing @ Gurupreetsing @ ... **Applicant**
Billa Amarsing Sandhu, Age 46
years, Occ. Business, R/o.
Janardhan Apartment, Aadgaon
Naka, Panchvati, Nashik, Tq. &
Dist. Nashik

V E R U S

The State of Maharashtra. ... **Respondent**

Mr. S.S. Ladda, Advocate, holding for Mr. S.G.
Ladda, Advocate for the applicant
Mr. A.A. Jakatkar, APP for the respondent/State.

CORAM : K. L. WADANE, J.

DATE : 3rd AUGUST, 2017

ORDER:

1. These applications are filed by the applicants under the provisions of section 439 of the Code of Criminal Procedure in connection with Crime No. 236 of 2016 registered with Shrirampur (City) for the offences punishable under section 420, 465, 467, 468, 471 read with section 34 of the Indian Penal Code.

2. Heard Mr. Salunke, learned counsel appearing for the applicant (in Criminal Application No. 1589 of 2017), Mr. Ladda (in Criminal Application No. 1821/ 2017) and Mr. Jakatkar, learned APP appearing for the respondent-State.

3. The allegations against the present applicants and other accused persons are that, in furtherance of their common object they have registered the vehicles with concerned R.T.O. and thereby cheated the Government. On perusal of the record, it appears that, the period of the offence is stated to be from September 2015 to 06.09.2016 and it is the allegations that the present

applicants and other co-accused prepared forged documents in respect of 24 vehicles and cheated the Government. The applicants were interrogated during the police custody and certain important documents in reference to the offence are seized.

4. I have gone through the papers of investigation, so also, on perusal of the record, it appears that, there is no documentary evidence against the applicants to say that the applicants have in fact fabricated the documents and on the basis of such documents they have registered the vehicles with the concerned R.T.O.

5. Mr. Ladda learned counsel appearing for the applicant submits that, there is transaction between the applicants about purchase and sale of the old vehicles and an agreement to that effect is executed between present applicants and another accused Shahabaj Salim Sayyad. The applicant Azar used to identify the vehicle and sent it to the applicant Gurumukhsing for sale and applicant Gurumukhsing is entitled to take commission of Rs. 25,000/- per vehicle. The documentation of the vehicle such as

registration of the vehicle, its NOC and other documents are to be prepared by another accused Shahabaj.

6. Mr. Salunke, learned counsel appearing for the applicant submits that, another accused Shahabas is already released on bail.

7. Mr. Ladda, learned counsel has placed on record the agreement between the applicants which is taken on record and marked as exhibit 'X' for the purpose of identification. On perusal of the contents of the agreement, it appears that the mode and the manner in which the vehicles are to be purchased and sold is particularly mentioned in the agreement. From further documents it appears that, applicant Gurumukhsing has paid certain amounts to the applicant Azar and that is stated to be sale price of the vehicles which are sold.

8. From any of the documents placed on record on behalf of the prosecution it is not revealed that either of the applicant has fabricated a false document. The learned APP during arguments submits

that, no loss is caused to the government and there are no documentary evidence against both the applicants.

9. In view of the above, the applicants can be enlarged on bail. Hence, following order.

O R D E R

(1) Both applications are allowed.

(2) Each of the applicant shall be released on bail in connection with Crime No. 236/2016, registered with Shrirampur (City) Police Station, District Ahmednagar, on their executing P.R. Bond of Rs. 25,000/- [Rs. twenty five thousand only] each with one solvent surety in the like amount.

(3) The applicants shall not tamper with the evidence of the prosecution in any manner.

10. Criminal applications are disposed of.

(K. L. WADANE, J.)

mkd/-