

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

CRIMINAL APPLICATION NO. 5824 of 2017.

JAFAR FARUKI MOHAMMAD SABER FARUKI

VERSUS.

STATE OF MAHARASHTRA

...

Advocate for the Applicant : Mr. Raje Vikrant P.

APP for Respondent/State : Mr. A.D. Namde.

CORAM : V.L. ACHLIYA, J.

DATE : 22nd November, 2017

ORAL ORDER:

1. The applicant apprehending arrest in connection with Crime No. 658/2017 registered at Mukundwadi Police Station, District Aurangabad, for the offences punishable under section 406, 504 of the Indian Penal Code, has preferred this application seeking anticipatory bail.

2. Heard learned counsel for the applicant and the learned APP for the respondent/State. Perused the first information report and the copy of agreement produced at Exh.'D' with the application.

3. On due consideration of submissions advanced the case is made out to entertain the application seeking anticipatory bail.

4. On perusal of the first information report it reveals that the complainant has lodged complaint alleging therein that he had given the car in question for repair in the garage of the applicant. When he approached him to take the car, the applicant refused to hand over the car and stated that he has purchased the car for Rs. 1,35,000/- and thereby committed a breach of trust.

5. Considering the allegations, in the light of copy of agreement produced at Exh. 'D' with the application, it appears that there is some dispute on account of vehicle in question, which leads to lodging of complaint. The applicant claimed that he has purchased the car by virtue of the agreement scribed on stamp paper. Whereas; the complainant claims that no such transaction has taken place. In this view, the case is made out to grant anticipatory bail. Hence, the following order.

ORDER

1. Application is allowed.

2. In the event of arrest of the applicant in connection with Crime No. 658/2017 registered at

Mukundwadi Police Station, District Aurangabad, for the offences punishable under sections 406, 504 of the Indian Penal Code, the applicant be released on his furnishing bail in the sum of Rs. 15,000/- with one surety in the like amount, on following condition.

- (i) Applicant shall appear before the Investigating officer on 25.11.2017 at 11 a.m. and thereafter as and when directed by the investigating officer and cooperate in investigation.

6. Criminal application stands disposed of in above terms.

(V.L. ACHLIYA, J.)

mkd/-