

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPTORY BAIL APPLICATION NO. 1101 OF 2017

1. Sonal Sanjay Girme,	
2. Sanjay Bhagwan Girme	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Tejas Hilage for the Applicants.

Mr. Prashant Jadhav, A.P.P for the Respondent-State

HC/921 – D.R.Shinde, Shikhrapur Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.
DATE : 5th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 182 of 2017 registered with the Shikhrapur Police Station, Pune, for the alleged offences punishable under Sections 379 of the Indian Penal Code.
3. The applicant No. 1 is the daughter of applicant No. 2. Learned

Counsel for the applicants states that the complaint lodged by Rajaram Dagade is a false and baseless complaint. He submits that the applicants had purchased a Maruti Swift Car bearing No. MH-42-K-7265 from the applicant No. 2 by paying an amount of Rs. 3,75,000/- and cash of Rs. 68,000/-. The sale transaction was notarised. The said notarised document is dated 21st October, 2016. It is alleged by the complainant- Rajaram Dagade that on 29th April, 2017 at 8:00 a.m, when they had been to Shani Mandir at Sanaswadi, some unknown person has stolen his car. The complainant has expressed suspicion on the applicant-Sonal and Vishal. He has alleged that in the said Car, he had kept his mobile phone, gold ornaments and cash.

4. Learned Counsel for the applicants states that as the complainant was not repaying the loan installments, the applicants had contacted the complainant and asked him to repay the same. He submitted that as per the notarised document, the complainant had to pay installment of the Car loan every month and there was a condition in the said document, that if the complainant failed to pay the loan installments of two months, then the seller i.e. applicant No. 2 had the right to take possession

of the vehicle.

5. Learned Counsel for the applicants states that as the complainant has not paid the amount, an NC was lodged against him by the applicant No. 1 on 8th January, 2017, pursuant to which, the aforesaid FIR was lodged by the complainant. He submits that the vehicle has been seized and is in the possession of the police. He also states that he was protected by an interim order till his application for anticipatory bail was rejected.

6. Learned APP states that the applicants have attended the concerned Police Station, as directed by this Court, vide order dated 28th June, 2017 and has co-operated with the investigation.

7. In the peculiar facts of this case, custodial interrogation of the applicants is not required. Accordingly, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the Applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;
- (ii) The Applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;
- (iii) The Applicants shall co-operate with the Investigating Agency.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)