

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1116 OF 2017

Yoosuf Ghasita Khan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Rahul Arote, Advocate, for the Applicant

Mr.R.M.Pethe, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-86 of 2017 registered with the Chitalsar Police Station, Thane, for the alleged offences punishable under Sections 465, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that during the pendency of the aforesaid Application, the Applicant surrendered all the documents and the keys relating to car, bearing No.MH-43-AJ-3296. He submitted that the Applicant has handed over the original R.C.Book,

original insurance copy and the two keys of the said car, to the Manager of Vasai Vikas Co-operative Bank Ltd. He further submits that the Applicant has no objection, if the Bank either auctions the said car or takes steps for return of the said vehicle. He further submits that the Applicant has also given a one time settlement proposal for the car loan account. The said document is taken on record and marked as “X” for identification.

4. Learned APP opposes the Application.

5. Perused the papers. According to the prosecution, the Applicant had obtained a loan from the Vasai Vikas Co-operative Bank Ltd. to the tune of Rs.10,00,000/-. As the Applicant, failed to repay the loan amount, he was declared as a wilful defaulter by the Bank. It appears that in order to avoid payment of loan, the Applicant changed the car number plate. When the car was intercepted by the police, it was noticed that the number plate affixed to the car, belonged to some other person. On further enquiry, it was revealed that the said car was purchased by the Applicant. It appears, that the Applicant has tendered a letter dated 14.07.2017 to the Manager of Vasai Vikas Co-operative Bank Ltd. It appears from the said letter, that the Applicant has

submitted the original R.C.Book, original insurance copy and two keys of the said car, to the Manager of Vasai Vikas Co-operative Bank Ltd. In the said letter dated 14.07.2017, the Applicant has also given his no objection to the Bank, if the Bank takes steps for return of the property for recovery of the dues or if the Bank auctions the car. The Applicant has also given a proposal for one time settlement of the car loan account. Learned counsel for the Applicant re-iterates on instructions, that if an Application is filed by the Bank, for return of the said vehicle which is in the custody of the police before the appropriate Court, the Applicant will give his no objection for release of the said car, in favour of the Bank. The said statement made by the learned counsel for the Applicant on instructions, is accepted as an undertaking to this Court.

6. In view of the aforesaid, custodial interrogation of the Applicant is not necessary. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms and conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for till the filing of the charge sheet or for a period of three weeks whichever is earlier;

(iii) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

8. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)