

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

CRIMINAL APPLICATION (ABA) NO.83 OF 2017

Vaibhav s/o Omprakash Rathod

..VS..

The State of Maharashtra, through Police Inspector Police Station Ramnagar,
Tahsil Chandrapur, District Chandrapur

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

Court's or Judge's Order

Shri R.M. Tahaliyani, Counsel for the applicant.
 Shri A.V. Palshikar, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : FEBRUARY 28, 2017.

Heard learned counsel for both sides.

This is an application for anticipatory bail by applicant apprehending his arrest in the present crime as it is the case of prosecution that applicant is owner of vehicle bearing registration No.MH-31/CA/4044 where from contraband liquor is seized. It is submitted that in fact, said vehicle stands registered in the name of one Jogeshwar. On the earlier date of hearing to a specific query put to learned counsel for the applicant regarding registered ownership of vehicle, it was stated that Jogeshwar is not registered owner of vehicle. Today, learned counsel for applicant, on obtaining instructions, states that applicant though had purchased vehicle, it continued to be registered in the name of Jogeshwar and in that circumstance, he made a

statement that Jogeshwar is not registered owner of vehicle. Learned counsel has also tendered at bar copy of order of the Trial Court granting said vehicle on supurdnama to its registered owner namely Jogeshwar.

It is submitted that applicant has on the day of incident was neither in use or owner of said vehicle as much prior to the incident it was sold by him to Shaikh Samir Shaikh Shakil who was found in possession of vehicle when it came to be intercepted.

Learned Additional Public Prosecutor has submitted that in fact applicant has not produced any document to establish that said vehicle was sold to co-accused Shaikh Samir Shaikh Shakil to which learned counsel for the applicant has submitted that since after his purchasing vehicle from Jogeshwar, as same remained to be registered in the name of Jogeshwar, applicant was unable to reduce into writing any document showing sale of said vehicle by him to Shaikh Samir.

In view of facts as aforesaid and as it appears to be the case of prosecution that Shaikh Samir is absconding and thus, police has visited house of applicant, he has reasonable apprehension of his arrest though *prima facie* he is not found involved in the present crime. Admittedly, contraband liquor is already seized. In the circumstances, the following order is passed:

In the event of arrest of applicant, he shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

While on bail, applicant shall mark his presence with Ramnagar Police Station, District Chandrapur, as and when called, till filing of charge-sheet.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 2/3/2017