

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

CRIMINAL APPLICATION (ABA) NO.534 OF 2017

Santosh Mahadeorao Paraskar

..VS..

State of Maharashtra, thr. Police Station Officer, Police Station Pimpalgaon
(Raja), Tahsil Khamgaon & District Buldana

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

Court's or Judge's Order

Shri U.J. Deshpande, Counsel for the applicant.
Shri R.R. Vyas, Counsel for the original complainant.
Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 14, 2017.

Heard learned counsel Shri U.J. Deshpande for the
applicant, learned counsel Shri R.R. Vyas for the original
complainant, and learned Additional Public Prosecutor Shri
T.A. Mirza for the State.

This is an application for anticipatory bail.

The applicant is apprehending his arrest in
connection with Crime No.57 of 2016 registered against him and
his father Mahadeorao with Police Station Pimpalgaon (Raja)
for the offences punishable under Sections 417 and 420 read
with Section 34 of the Indian Penal Code, 1860.

As per the first information report lodged by the
complainant, he was in need of pick-up van for transporting his

goods. Therefore, he entered into an agreement with the present applicant in respect of purchase of vehicle bearing registration No.MH-12/GT/3488 for amount of Rs.4.00 lacs. According to the complaint, at the time of entering into the agreement, it was revealed to the complainant that there was hypothecation with the Bank of Baroda of Rs.2,75,000/- in respect of loan from said bank. Therefore, remaining amount of Rs.1,75,000/- was given by complainant to the accused persons. Thereafter, as per the first information report, it was revealed to the complainant that there was another loan of Rs.1,16,854/- of District Industries Centre at Pune. Therefore, a crime was registered.

It is not disputed on behalf of learned counsel for the complainant that after the agreement, the possession of the vehicle i.e. Bolero is already handed over to the complainant and the complainant is in possession and is utilizing the same for his business purpose. Learned counsel for the applicant has filed xerox copy of the registration book certificate along with pursis. It discloses name of both Bank of Baroda so also name of District Industries Centre at Pune.

Looking to the fact that possession of the vehicle and necessary registration documents of the said vehicle is already in possession of the complainant, submission on behalf of learned Additional Public Prosecutor Shri T.A. Mirza that

custody of the present applicant is necessary for recovery of amount is not only devoid of substance but it is highly deprecated. Consequently, *interim* order passed by this Court on 25.7.2017 stands confirmed.

The criminal application is allowed and disposed of.

JUDGE

!! BRW !!