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

**ANTICIPATORY BAIL APPLICATION NO. 618 OF 2018
WITH
Criminal Application No.432 of 2018**

Sunny Rajesh Panchal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rizwan Merchant i/b Akshay Bafna for Applicant.

Mr. A.A. Palkar, APP for State.

Mr. Mohd. Ahmed for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2018.

P.C.:

1] By an Order dated 28th March 2018, the applicant was granted interim relief.

2] Heard the learned Counsel for the applicant, the learned Counsel for the first informant and the learned APP. Perused the record.

3] The first information report is lodged by Shri Harun R. Shaikh alleging that in July 2016, he purchased a white colour Mercedes Car bearing registration No.MH-14-FK-0765 from Yusuf Shabbir Attar for a valuable consideration of Rs.35.00 lakhs. The said car was originally registered in the

name of Shri Baban Marne and the documents pertaining to the said car were in his name. The keys of the said car were handed over to the first informant. It is stated that, consideration of the said car was paid by a cheque to Mr. Yusuf Attar by Abdul A. Shaikh (nephew of the first informant). The said car was handed over to applicant for onward sale, as the applicant is in business of sale and purchase of old vehicles. It is alleged that, the applicant by forging the documents of the aforesaid vehicle, sold it to one Mr. Damodar Sutar. However, did not pay consideration of the said vehicle to the first informant. In the premise the first information is lodged.

4] The record indicates that, there were other transactions between the applicant and the first informant Shri Harun R. Shaikh. The investigation carried out till date is silent about the fact of payment of consideration by Mr. Abdul Shaikh (nephew of the first informant) to Yusuf Attar by cheque. Though it is stated in the first information report that the said amount was paid by a cheque, the first informant has not produced any documentary evidence in support its contention. As of today, the said vehicle has been seized by the police from Shri Damodar Sutar. The investigation is based on the documents which have been already taken into custody by the Investigating Officer. The record indicates that as was directed by interim Order, dated 28.3.2018 the applicant has attended the Investigating Officer on stipulated dates and has joined the process of investigation.

5] In view of the above, this Court is of the view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

The interim relief granted by Order dated 28th March 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

6] In view of Order passed in A.B.A. No.618 of 2018, Criminal Application No. 432 of 2018 for intervention does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)