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

ANTICIPATORY BAIL APPLICATION NO.2172 OF 2018

Farhan Jilani Kokani & Anr

..Applicants

Vs

The State of Maharashtra

..Respondent

Mr. V.V. Purwant for Applicants.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] The applicants are apprehending arrest in CR No.I- 131 of 2018 dated 29.4.2018 registered with Sarkarwada Police Station, Nashik under sections 420, 406 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Mr. Rajendra Agiwle. It is the prosecution case that, the applicants are the owners of OMT Tours and Travels having their office at Express Tower, Sharada Circle, Nashik. That the first informant gave his Innova Criysta car to the applicants for

plying it on rent for the business of the applicants. That the applicants assured informant to pay Rs.60,000/- p.m towards compensation/rent for the same and on 20.1.2018 an agreement was executed in that behalf. As the applicants failed to pay the agreed amount towards compensation/rent and also failed to give the said vehicle back to the informant, the present crime is registered.

4] The record of investigation indicates that, in pursuance of the terms and conditions of the said agreement dated 21.1.2018, the applicants had further given the said car to Mr. Samson Parakhe for transport business. However, the said Samson Parakhe could not honour the terms of the agreement inter-se between the applicants and him and committed criminal act and therefore the applicants lodged a complaint with the Crime Branch, Nashik and informed the said fact to the first informant.

As the applicants committed breach of terms of the agreement, the first informant terminated agreement dated 20.1.2018 executed between him and the applicants by his intimation dated 24.2.2018 and claimed the possession of the vehicle back. In the premise the informant lodged the present crime.

5] During the course of investigation, the said car has been seized

by the police and now the custody of the car is given to the informant under the Orders passed by the Court. The record prima facie indicates that, the applicants have paid the compensation/rent for the said vehicle to the informant for the months namely January and February 2018 and after termination of the contract, it is not the obligation of the applicants to pay further rent to the informant. The record indicates that, as the applicants have failed in their enterprise of Tours and Travels, other offences are also registered against them including CR No.I-171 of 2018 with Wagle Estate Police Station, Thane. This Court in an earlier Bail Application No.2031 of 2018 by its reasoned Order dated 6.10.2018 has granted pre-arrest bail to the present applicants in the said CR.

6] After taking into consideration the fact that the concerned vehicle has already been seized by the police and the same has been handed over to the first informant and since the first informant has terminated the agreement by his intimation dated 24.2.2018, this Court is of the view that, the custodial interrogation of the applicants is not necessary for further investigation of the crime. In view thereof, the applicants deserve to be protected by pre-arrest bail.

Hence the following Order:-

i] In the event of arrest in CR No.I-131 of 2018 registered with Sarkarwada Police Station, Nashik, the applicants be released on bail on their furnishing PR bond in the sum of Rs.15,000/- each with one or two separate local sureties in the like amount.

ii] Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)