

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.557 OF 2019

Sayyed Bandagisab Mulla, Age 35 years,
Occ.Business, R/o.1336, Ram Road,
Near Sai Baba Temple, Ganpatipule,
Dist.Ratnagiri.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sandeep Salunkhe I/by Nikhil Pawar for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th March 2019

PC :

1. This is an application for anticipatory bail in CR No.I-19 of 2019 registered with Shrinagar Police Station, Thane for offences under Sections 406, 420 r/w 34 of Indian Penal Code. The FIR was lodged on 29th January 2019. The case of prosecution is that the applicant had purchased two vehicles viz dumpers from complainant by obtaining loan from ICICI Bank Limited having monthly installment of loan of Rs.82,826/-. By agreement dated 26th July 2018 the dumpers were handed over to applicant on certain terms and conditions. The applicant had undertaken to deposit monthly installments of the bank, however, the applicant had failed to deposit the installments regularly. Hence, the complainant had obtained custody of one dumper. The second dumper is in possession of applicant.

2. Learned counsel for applicant submits that there is default in payments of some installments. However, there was no intention to cheat. The applicant has cleared some of the installments and installments which were defaulted would be cleared by applicant within three weeks. The statement is accepted as an undertaking to this Court. Learned counsel for applicant also submits that he would adhere to all the terms and conditions of hire purchase agreement.

3. Learned APP submits that the applicant is not co-operating with investigation. He is giving evasive answers about location and availability of dumper.

4. It is noted that the matter relates to repayment of loan obtained towards purchase of dumpers. Indeed there is default in payment of certain installments. The applicant is willing to clear the installments within stipulated time. In the circumstances, custodial interrogation of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.557 of 2019 is allowed;
- (ii) In the event of arrest of applicant in connection with CR No.I-19 of 2019 registered with Shrinagar Police Station, Thane, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Shrinagar Police Station, Thane on 11th, 12th and 13th March 2019 between 11 am and 1 pm;

(iv) The applicant shall clear defaulted installments within three weeks as undertaken, failing which the prosecution will be at liberty to apply for cancellation of order granting anticipatory bail.

(PRAKASH D. NAIK, J.)

MST