

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

CRIMINAL APPLICATION (ABA) NO.515/2019

Mohd.Shadab Hussain Mohd. Gul Hussain

..VS..

State of Mah., thr. PSO PS Bhatkuli, District Amravati

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

Court's or Judge's Order

Shri M.N.Ali, Counsel for the Applicant.

Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 30, 2019.

1. This is an application for grant of anticipatory bail.
2. Heard learned counsel Shri M.N.Ali for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the State.
3. The applicant is apprehending his arrest in connection with Crime No.117/2018 registered with Bhatkuli Police Station, District Amravati for offences under Sections 406 and 420 of the Indian Penal Code.
4. According to the prosecution, Abdul Shakil Abdul Sharif, the complainant, purchased a tractor of EICHER after obtaining loan from Axis Bank. He was under obligation to pay 6 monthly installments. First installment was paid by said Abdul, however he was not able to pay

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remaining installments. Therefore, he handed over the said tractor to co-accused Sk.Yusuf Sk.Jafar who agreed to pay remaining 9 installments. According to the prosecution, the complainant received Notice from Axis Bank for not paying the installments. Therefore, the complainant visited said Sk.Yusuf who in turn told that he has sold the said tractor to a person resident of Aurangabad. Upon that, the offence is registered. According to the prosecution, the present applicant is the person who has taken in his possession custody of the said tractor from co-accused Sk.Yusuf.

5. Learned Additional Public Prosecutor Shri J.Y.Ghurde for the State, could not point out anything from record to show that when the applicant obtained possession of the said tractor and that time it is within the knowledge of the applicant that the said tractor is hypothecated.

6. Learned Additional Public Prosecutor is relying on statement of co-accused which inadmissible in absence of any independent material against the applicant.

7. In this view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Mohd.Shadab Hussain Mohd. Gul Hussain, in connection with Crime No.117/2018 registered with Bhatkuli Police Station, District Amravati for

offences under Sections 406 and 420 of the Indian Penal Code, the applicant be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station as and when he is called by Investigating Officer, till filing of chargesheet, however for that Investigating Officer shall give him a clear cut 2 days' written communication.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

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