

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

ANT. BAIL APPLICATION NO.255 OF 2020

Jagdish Kishan Gaikwad ... Applicant
Vs
The State of Maharashtra ... Respondents

**WITH
ANT. BAIL APPLICATION NO.2359 OF 2019**

Nagendradatta Vitthalrao Jadhav ..Applicant
Vs
The State of Maharashtra ..Respondent.

...

Mr. Vikrant Phatate for the Applicant in ABA 255/2020.
Mr. Rahul B. Vijaymane for the applicant in ABA 2359/2019.
Mr. S.H.Yadav , APP for the Respondent-State.
PSI D.S.Dalavi attached to Solapur Taluka P.Stn.
Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 12TH MARCH, 2020.

P.C. :

Heard.

2 Apprehending arrest in Crime No.205 of 2019
registered with Salgar Vasti Police Station, Solapur for

2020.odt

the offences punishable under Sections 394, 341, 504 read with Section 34 of the Indian Penal Code, 1860, applicants are seeking pre-arrest bail.

3 Applicants are the agents of the representatives of M/s. Tata Motors Finance Ltd. Loan-cum-hypothecation was granted by the said company to one Mr. Pradip Lendave for the purpose of purchasing vehicle bearing registration No.NL-01-AC-7872. Mr. Lendave hypothecated and charged the said vehicle in favour of M/s. Tata Motors Finance Limited to secure the repayment of loan granted. It is applicants' case that under Clause 17 of the Agreement, the said Company is entitled to take possession of the vehicle through its agents/representatives as provided under Clause 18 of the agreement. That since Mr. Lendave committed default on the scheduled payment of monthly installment, vehicle was re-possessioned by the agents of the said company on 12th September, 2019. This fact was reported to Salgar Vasti Police Station by

2020.odt

Registered Post A.D. Besides, applicants have placed on record inventory/possession note. It shows one Samir had surrendered subject vehicle to the applicants on 12th September, 2019. These documents are taken on record and marked **'X-1' for Identification.**

4 In the back-drop of the facts aforesaid, complaint lodged by the driver of the vehicle (employee of Mr. Pradip Lendave), prima-facie, appears to be afterthought.

5 In view of the facts aforesaid, in the event of the arrest of the applicants, each of them shall be released on bail on executing PR Bond in the sum of Rs.10,000/- each with one or more sureties in the like amount.

6 Applications are allowed and disposed off in the aforesaid terms.

(SANDEEP K. SHINDE, J.)