

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

CRIMINAL APPLICATION (BA) NO.181 OF 2020

(Manpreetsingh Harcharansingh Gayasi ..vs.. State of Maharashtra, through PSO, Akot City)

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Counsel for the applicant,
Shri M.J. Khan, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 18-03-2020

The applicant, who is in custody since 24-12-2019 in connection with Crime 441/2018 registered with Akola City for offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, is seeking enlargement on bail.

2. The applicant is not named in the first information report. The prosecution case is that three agriculturist including the first informant Shri Vijay Katkar were desirous of selling their tractors and entered into an agreement with the co-accused. The co-accused took possession of the tractors. However, since the agreed consideration was not paid in entirety, the tractor owners took back the possession. The case of the prosecution is that the co-accused then misled the tractor owners and by promising that they would sell the tractors and pay the balance consideration fled with the tractors on the pretext of taking test drive. Even

according to the prosecution, the applicant has not played any role in the episode referred to supra. The allegation against the present applicant is that he purchased two tractors and that while one tractor is recovered, the other is yet to be recovered. Shri M.J. Khan, learned Additional Public Prosecutor would submit that offence punishable under Section 411 of the Indian Penal Code is clearly made out against the present applicant. The investigation is ongoing and, therefore, it would not be necessary to make any definite observation on whether there is material to suggest that the applicant, assuming that he did purchase the tractors, was aware that the tractors were stolen. At this stage, I am satisfied that further incarceration of the applicant would not be necessary. The applicant has no criminal antecedent and is not likely to pose a flight risk. The applicant is already interrogated in custody. The release of the applicant is not likely to hamper the investigation. The co-accused, who acted as middlemen, have already been released on bail.

3. The application is allowed.
4. The applicant shall be released on furnishing personal bond of Rs.25,000/- with a solvent surety of like amount.
5. The applicant is directed to attend Police Station

Akot City, thrice in a week i.e. on every Friday, Saturday and Sunday and shall be with the Investigating Officer from 11-00 a.m. to 5-00 p.m., till filing of the charge-sheet.

6. The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

adgokar