

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

CRIMINAL APPLICATION (ABA) NO. 852 OF 2019

Wasim Khan Mastan Khan .Vs. State of Maharashtra, through PSO, PS, Akot
(City), Dist. Akola.

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

Court's or Judge's orders.

Mr. Virat Mishra, Advocate for applicant.

Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 13, 2020

Heard Mr. Mishra, learned counsel for applicant
and Mr. Khan, learned Additional Public Prosecutor for non
applicant-State.

Applicant is apprehending his arrest in
connection with Crime No.441/2018 registered with Police
Station, Akot (City), Dist. Akola for an offence punishable
under Sections 406 and 420 of the Indian Penal Code.

Sum and substance of the prosecution case is that
complainants – Shaikh Rashik Shaikh Razak, Vijay Shriram
Katkar, Dipak Kashinath Rahane and Lukman Kha Akbar Kha
were having their own tractors with them. The said tractors
were purchased by them on finance. However, everyone of
those persons were not having adequate work. Therefore,
they decided to sell the said tractors. The applicant
according to prosecution has acted as a middleman to
dispose of those tractors to the purchasers. Accordingly,
those tractors were sold to the persons who were intended

to purchase it. In that behalf, an agreement was also executed. The complainants also received certain amounts however subsequently the purchaser did not repay the amount and therefore possession of the said tractors was taken with them. It is further stated in the report that subsequently it was informed to the complainants by the applicant and other co-accused persons that they are ready to pay the remaining amount and requested them to bring their tractors on 17.12.2018. It is the prosecution case that on 17.12.2018, on the pretext of taking trial, some of the persons including the present applicant took away the tractors and vanished from the scene.

This Court on 13.12.2019 granted interim protection in favour of the applicant with a direction that he shall attend the police station from 17.12.2019 to 28.12.2019. According to the learned Additional Public Prosecutor, the applicant did attend the police station and joined the investigation. According to submission of the learned Additional Public Prosecutor, on a vital lead given by the present applicant, the investigating officer has arrested two unknown persons and also seized two tractors.

It is not the prosecution case that at any point of time any tractor was retained by the applicant. From the statement of the learned Additional Public Prosecutor, it is clear that on the applicant's lead, the interrogation is in the right direction. It is also clear that no tractor is in possession of the present applicant. In that view of the matter, I pass the following order:

ORDER

- (i) The application is disposed of.
- (ii) In the event of arrest in connection with Crime No.441/2018 registered with Police Station, Akot (City), Dist. Akola for an offence punishable under Sections 406 and 420 of the Indian Penal Code, applicant – Wasim Khan Mastan Khan be released on bail on he executing P.R. bond in the sum of ₹25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Akot (City), Dist. Akola thrice in a week i.e. on every Wednesday, Thursday and Saturday and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE