

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**933 ANTICIPATORY BAIL APPLICATION NO.67 OF 2021**

**BABASAHEB ARJUN DARADE  
VERSUS  
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Narwade Narayan B.  
APP for Respondent : Mr. P.G. Borade.

**CORAM : MANGESH S. PATIL, J.  
DATE : 18.02.2021.**

**PER COURT :**

This is an application under Section 438 of the Code of Criminal Procedure as the applicant is apprehending his arrest in connection with Crime No.7684/2020, registered with Tofkhana Police Station, Ahmednagar, District Ahmednagar for the offences punishable under Section 417, 465, 468, 471 of the Indian Penal Code.

2. The F.I.R. has been lodged by a Deputy R.T.O. Ahmednagar. He alleges that he received a tip off that two different trucks displaying same registration number on the number plate were plying simultaneously. Accordingly he visited the two spots where two trucks of same model displaying same registration number on the number plate were found parked. He then got the engine numbers and Chassis numbers verified from the dealer and found that one of the trucks whose registration number was MH46AF6593 was displaying a forged registration number as MH16AY9233. He suspected that the mischief was being played to avoid payment of revenue. On the basis of this F.I.R. the offence was registered.

3. The learned advocate for the applicant would vehemently submit that the applicant is the owner of both the trucks. He has paid tax of both the

vehicles up to date. He submits that some one has played mischief by resorting to some fabrication and displaying wrong number plate on one of the two trucks. The vehicles are already in the custody of the Investigating Officer. Applicant's custodial interrogation is not necessary. There is no other motive attributed to the applicant except evasion of tax. Since he has already paid the tax the motive does not seem to be correct. There are no criminal antecedents. The applicant would put to disrepute if he is allowed to be arrested without assurance of bail.

4. The learned A.P.P. strongly opposes the application. He submits that apart from the motive being attributed in the F.I.R. there could be some other motive to commit the mischief by resorting to fabrication. It can only be revealed by resorting to custodial interrogation of the applicant. He would submit that fact remains that both the trucks were got inspected through the same dealer, firstly, by the informant who is a Deputy R.T.O. and secondly, by the Investigating Officer. He has specifically pointed out that even during these two inspections there has been some mischief. He would submit that the Chassis number being displayed on the truck over which a false number was being displayed and was noticed during first visit was altered in the second visit. However, the engine number and even the registration number on the number plate continued to remain as it is, with a forged number. He would further point out that the applicant is the registered owner of both the trucks and conspicuously both the trucks are of the same model and even looks wise they are identical. There could be some hidden motive for the applicant to resort to such fabrication which can be ascertained only after he is subjected to custodial interrogation. The discretion may not be exercised in his favour.

5. I have carefully gone through the papers. *Ex facie*, it is a case of clear forgery and fabrication. A truck which was registered with a specific registration number was apparently being plied with a forged registration number. Conspicuously, the dealer of the trucks has inspected both the

trucks twice, firstly on 03.11.2020 and then on 26.12.2020. Unfortunately for the applicant, the Chassis number being displayed on one of the trucks was seen to have been manipulated. Earlier it read MAT466429GHG10894 in the first visit and was displaying in the second visit the Chassis number as MAT466422F5E06166. Pertinently, the registration number being displayed on the number plates and on the body of the truck continued to display as MH16 AY9233.

6. Though it is now being pointed out that the motive being attributed to the applicant does not exist in as much as he has paid taxes of both the trucks up to date, the apparent manipulation must have been resorted to with some hidden agenda. Custodial interrogation of the applicant in the circumstances is highly imperative to ascertain the motive for resorting to such fabrication.

7. Considering the peculiar facts and circumstances in my considered view the applicant is not entitled to the discretionary relief of anticipatory bail.

8. The Application is rejected.

**(MANGESH S. PATIL, J.)**

mkd/-