

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.409 OF 2021

Samadhan s/o Shankar Aher	...Applicant
Versus	
State of Maharashtra	...Respondent

....

Advocate for the Applicant : Mr. K. N. Shaikh
APP for the Respondent: Mr. V. S. Badakh

....

CORAM : MANGESH S. PATIL, J.

DATE : 25.06.2021

PER COURT :-

1. The applicant who is the owner of the tractor which was being used by displaying a bogus registration number plate, is apprehending his arrest in connection with Crime No. 77/2021 registered with MIDC Waluj Police Station, Aurangabad for the offence punishable under Section 420 of the Indian Penal Code, at the instance of a police constable who accosted the vehicle. The applicant is seeking bail in the event of his arrest in connection with the crime.

2. I have heard the learned Advocate for the applicant and the learned APP.

3. Since the applicant is being charged for the offence of cheating, on a query put to the learned A.P.P. as to how and to whom the applicant can be said to have caused some wrongful loss, the learned A.P.P. would submit that the applicant has cheated the Government as he started plying the vehicle without its registration by displaying a bogus number plate.

4. Without indulging into any discussion in this respect, suffice for the purpose to observe that there is a serious doubt as to if the facts and circumstances would reveal all the necessary ingredients for constituting the offence punishable under Section 420 of the Indian Penal Code.

5. Needless to state that it can be an offence to use a vehicle in a public place without it being registered under the Motor Vehicles Act under the provisions of that Act, which obviously would not be a non bailable offence.

6. The applicant has already been protected by way of ad-interim relief under order dated 22.04.2021. There are no allegations about he having committed any breach of the terms and conditions.

7. The application is allowed. The ad interim relief granted vide order dated 22.04.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL)
JUDGE

shp/-