

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 ANTICIPATORY BAIL APPLICATION NO.527 OF 2021

POOJA W/O AJAY CHHAJED
VERSUS
THE STATE OF MAHARASHTRA

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Mr. A.K. Bhosle, Advocate for the applicant.
Mr. V.S. Badakh, A.P.P. for respondent – State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 06-10-2021

ORDER :

1. The applicant is apprehending arrest in CR No.327/2021 registered with Kranti Chowk Police Station, Aurangabad city for the offences punishable under Sections 420, 465, 468, 471 of the Indian Penal Code. The F.I.R. was registered on 2nd May 2021.

2. The case of the prosecution, in nutshell, is that the complainant was on duty on 2nd May 2021. During the course of his duty, he stopped the son of the applicant who was found driving a vehicle. The complainant asked him for driving licence and R.C. Book of the vehicle. It was revealed that the rider had purchased the vehicle in the name of his mother (applicant). He was not found in possession of R.C. Book. Inquiry was made on R.T.O. system and it was found that the subject motorcycle was in the name of Bapurao Jadhav and the F.I.R. was registered.

3. The contention of the applicant was that the vehicle was purchased from Hariom Automobiles on 12th February 2013. The services of the agent at R.T.O. Office were hired for obtaining the requisite number on payment of fees. The applicant was informed that the vehicle was duly registered with the R.T.O. and assurance was given to hand over the R.C. Book by Post. The number plate was affixed on the vehicle and it is being used since last 8 years. The applicant is a lady and she is house wife. There was no intention to commit any offences. She need not be subjected to custodial interrogation. Learned Counsel for the applicant has relied upon the decision of the Division Bench of this Court delivered on 2nd August 2019 in Writ Petition No. 1870 of 2019. On the basis of the said decision, it is submitted that in such cases at the most the provisions of the Motor Vehicles Act can be invoked.

4. Learned A.P.P. submits that the investigation is in progress.

5. On perusal of the F.I.R. and other documents, I do not find that there is any reason to subject the applicant to custodial interrogation. It is contended that the subject vehicle is being used since last 8 years.

6. The applicant was granted interim protection by this Court vide order dated 25th May 2021. She was directed to appear before the Investigating Officer as and when required for the investigation purpose. Learned Counsel for the applicant submitted that although she was not called for the purpose of investigation, she

had attended the Police Station and handed over custody of the vehicle which has been seized by the Investigating Agency.

7. In the light of the factual matrix as stated above, this application can be allowed. Hence the following order.

ORDER

- (i) ABA No. 527 of 2021 is allowed.
- (ii) Interim order dated 25th May 2021 is confirmed.
- (iii) In the event of arrest of the applicant in CR No. 327/2021 registered with Kranti Chowk Police Station, Aurangabad city, the applicant be released on bail on executing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.
- (iv) The applicant shall appear before the Investigating Officer as and when called for.

8. The application is disposed of.

(PRAKASH D. NAIK, J.)

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