

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

915 ANTICIPATORY BAIL APPLICATION NO.631 OF 2021

**YOGESH VIJAY VISHWAKARMA
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Mukul S.Kulkarni, Advocate for applicant
Mr. A.V.Deshmukh, APP for Respondents-State

...
CORAM : PRAKASH D. NAIK, J.
DATE : 16th DECEMBER, 2021

PER COURT:

1] The applicant is apprehending arrest in CR No.0062 of 2021 registered with Badnapur Police Station Dist.Jalna for the offences punishable under Section 406, 420, 468, 471 and 120-B of Indian Penal Code (for short, 'IPC'). The First Information Report (for short, 'FIR') was lodged on 11.03.201.

2] The grievance of the complainant appears to be that the complainant had sold two buses for a consideration of rupees 22 lakhs to the applicant. It was understood between them that there was a loan pending in respect to the buses and the installments of which were to be cleared by the applicant. The agreement in that regard was executed between them on 22nd April, 2018. The buses were handed over to the applicant and since then the applicant is plying those buses

in the city. It is further alleged that the applicant did not pay the installments. He changed the number plate of one of the bus and it was driven in the city. The bus was also involved in an accident on 11th February, 2020. The bus driver driving the said bus was arrested.

3] Learned counsel for the applicant submitted that the dispute related to one bus, which has been seized by the police during the course of the investigation. The complainant had preferred an application for return of property, which is pending before the learned JMFC at Jalna. On instructions and on the basis of bank statement, it is submitted that the applicant had so far paid an amount of Rs.16,64,260/- to the Finance Company. The balance amount is approximately to the tune of Rs.3,03,311/-. The applicant is also trying to resolve the dispute with the complainant.

4] Learned counsel for applicant submitted that the dispute is resolved with the complainant. Learned counsel representing the complainant and supported the submission of the applicant. The parties have resolved the dispute.

5] Learned APP submitted that the issue is not resolved with the transaction executed between the applicant and the complainant. The accused were involved in changing the chassis number. The applicant was granted interim protection by order dated 20th October 2021.

Primarily, the dispute was between the applicant and the complainant and it has been resolved. The applicant need not be subjected to custodial interrogation.

6] Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.631 of 2021 is allowed.
- (ii) Interim order dated 20th October 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with Crime No.0062 of 2021 registered with Badnapur Police Station, Dist.Jalna, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report Investigating Officer as and when called for.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)