

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1379 OF 2021

1. Avinash s/o Ashok Bhujbal,

2. Ashok s/o Laxmanrao Bhujbal

...Applicants

Versus

The State of Maharashtra

...Respondent

...
WITH
CRIMINAL APPLICATION NO. 2898 OF 2021

Mohammad Ayub Sharif s/o Haji Sharif

...Applicant

Versus

1. Avinash Ashok Bhujbal

2. Ashok s/o Laxmanrao Bhujbal

3. The State of Maharashtra

...Respondents

Advocate for the Applicants : Mr. S. N. Janakawade

APP for the Respondent – State : Mr. A. V. Deshmukh

Advocate for the informant to assist PP : Mr. V. C. Patil

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

DATE : 17th DECEMBER, 2021

PER COURT :-

1. Crime No. 316/2021 is registered with Vimantal Police Station, Nanded for offences punishable under Sections 107, 116, 405, 406, 420, 466, 467, 468, 469, 470, 471 read with

Section 34 of the Indian Penal Code against the applicants.

2. The complainant has filed a private complaint. Directions were issued under Section 156 (3) of the Code of Criminal Procedure. It is alleged that accused Nos. 1 and 2 (applicants) are in business of sale / purchase of vehicle. On 14.07.2018 the accused agreed to sell Mahindra X U.V. 500 of Rs. 7,60,000/-. Sauda Pawti was prepared by accused No.1 (applicant No.1) on behalf of accused No.3. By accepting the amount possession was given to the complainant. Vehicle was in the name of accused No.3. Accused Nos. 1 and 2 had agreed to bring NOC from RTO. Scrapped Sauda Chitthi was signed by the complainant and accused. Complainant used the vehicle as the owner from 14.07.2018. NOC was issued in the name of the complainant by accused Nos. 1 and 2 from RTO. Name of the complainant was inserted in RC Book by Nos. 1 to 3. On 17.11.2019 accused Nos. 1 and 2 took vehicle from the complainant for showing it to police. Vehicle was seized in offence registered at Pachod Police Station. The complainant had filed an application for return of property. Relief was not granted. Since the vehicle was not in the name of accused No.3, application for return of property was rejected on 09.03.2020. The complainant filed revision application

challenging the said order which is pending. The police had filed say in the application preferred by the complainant stating that the vehicle was declared as scrap before it was sold to the complainant. It was purchased by accused No.5 for Rs. 2,50,000/-. The insurance was accepted by accused No.3. He had claimed total loss of vehicle in the accident. Number plate was fixed on the vehicle of accused No.4. The number of chasis was changed. False documents were given to the complainant.

3. The contention of the applicants is that they are reputed businessmen. Applicant No. 2 is the father of applicant No.1. They are in the business of sale and purchase of vehicles. They had acted as agents in the subject transaction. The amount towards purchase of the vehicle was paid to the owner of vehicle. The applicants as agents had taken all the steps. They are not concerned with the declaration of the vehicle as scrapped and claim of insurance. They have no in connivance with the accused Nos. 4 and 5.

4. The learned APP submitted that all the accused have acted in connivance with each other. They are involved in inducing the complainant to the part with the amount for

purchase of vehicle. The consideration was parted to accused No.3. The chasis number of the vehicle was tampered. The vehicle was declared as scrapped in the past. The vehicle was involved in incident. The insurance was accepted by the accused.

5. Learned Advocate for complainant supported submission of learned APP. The accused had suppressed vital facts. The accused were involved in sale of stolen vehicles. The vehicle was already declared scrap. False documents were produced by accused.

6. From the record it appears that the applicants are agents dealing in sale and purchase of the vehicle. There is nothing on record to infer that he was party to the co-accused in changing the chasis number of the vehicle or declaring the vehicle as scrap by accepting the amount. The transactions are of 2018. Custodial interrogation of the applicants' is not necessary.

7. Hence, I pass the following order :

ORDER

(i) Anticipatory Bail Application No. 1379 of 2021 is allowed.

(ii) In the event of arrest of the applicants in Crime No. 316/2021 registered with Vimantal Police Station, Nanded District Nanded, the applicants be released on bail on executing PR bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount.

(iii) The applicants shall attend the Investigating Officer on 27th 28th and 29th December, 2021 between 11.00 a.m. and 1.00 noon and thereafter as and when called for till further order.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(v) Criminal Application No. 2898/2021 stands disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-