

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1142 OF 2021

Chotelal Nirahu Sharma

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Amar Bhat for Applicant.

Mr. H. J. Dedhia, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th MAY, 2021

(Vacation Court)

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.102 of 2021 registered at Mankhurd Police Station, under sections 420 and 406 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Amar Bhat, learned counsel for the applicant and Shri. Dedhia, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is

lodged by one Santosh Dakve on 11/03/2021. He has stated that he had purchased a car in the year 2019. One of his acquaintances Anwar Shaikh had told him that the informant could give his vehicle on rent to some company. The informant was introduced to the present applicant. The applicant represented to him that he himself would take the vehicle on rent. He was ready to pay Rs.35000/-p.m. by way of rent. The applicant was to look after maintenance of the vehicle. An agreement to that effect was prepared. It was signed by witness Vasant Bhanushali and Anwar Shaikh. The car was handed over to the applicant. In December, 2019 the applicant gave a cheque of Rs.20000/- by way of rent. It was dishonoured. He sent Rs.20000/- online. However, in June 2020 again he did not pay any rent. In March, 2020 the applicant forwarded Rs.7000/- by online transfer but after that no money was paid. The applicant was making some excuse or the other. In April, 2020 the informant's car was found abandoned within the jurisdiction of Khalapur police station. The informant took the car in his possession but again in good faith he handed it over to the applicant's driver Ahesan Khan. The informant asked for his money

but it was not paid. In July 2020 a cheque for Rs.3,50,000/- was given but it was dishonoured. Since March, 2020 to October 2020 no money was paid. The informant kept on asking for his money but nothing was paid. The informant came to know that the car was given by the applicant to a third person named Patil on rent. Thereafter the applicant blocked informant's number. He also changed his residence. The applicant could not be contacted by the informant. Therefore, finally the informant lodged this F.I.R.

4. Learned counsel for the applicant submitted that if the applicant is protected he will produce the car and pay the rent. He submitted that because of lockdown the applicant was unable to pay rent.

5. Learned APP opposed this application. He submitted that it is not an isolated incident but the applicant had in the past taken vehicle on rent and had misappropriated rent amount, as well as, vehicles. He, therefore, opposed this application.

6. The F.I.R. is clear enough. From the F.I.R. it is more than clear that the applicant's intentions were never honorable. Rent was not paid. To make the matter worse, the vehicle was not

returned. The applicant had changed his residence and had blocked the informant's number; which shows that applicant deliberately wanted to cause monetary loss to the first informant by securing unlawful gain for himself. The vehicle is still not handedover. For all these reasons, custodial interrogation of the applicant is necessary. The vehicle is yet to be recovered. The Investigating Agency also needs to find out whether there are similar victims if it was a modus operandi of the applicant. The applicant cannot be protected by an order of anticipatory bail.

7. Application is rejected.

(SARANG V. KOTWAL, J.)