IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2364 OF 2021

Siddharth Nautiyal .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Sudeep Pasbola a/w Mr. Rohit Kumar i/by Shivangi J. Rajak for Applicant.

Mr. A.R. Kapadnis, APP for State of Maharashtra.

Coram : NITIN W. SAMBRE, J.
Date : 13TH OCTOBER, 2021

P.C.:

1. Heard Mr.Pasbola, learned counsel appearing for the applicant. The applicant, vehicle dealer operating in New Delhi is seeking pre-arrest bail in Crime No. 173 of 2020 (old Crime No. 875 of 2020), punishable under Sections 420, 465, 467, 468, 471 and 120(B) read with 34 of Indian Penal Code.

2. The prosecution case against the applicant is, the applicant, a vehicle dealer operates in New Delhi. Co-accused, Dilip Chhabria, who has friendly relations and business terms with the applicant is in the business of manufacturing, altering four wheeler vehicles, for which he has facility at Aurangabad and Pune. Said co-accused Dilip Chhabria by using duplicate chassis and engine numbers got four wheeler vehicles registered in his name. Such registration is only for the paper purpose and it is informed to be used for deriving illegal finances from the financial institutions.

The role attributed to the applicant is, in absence of existence of such vehicles, the applicant facilitated registration certificates in favour of Dilip Chhabria for certain consideration.

3. Mr. Pasbola, learned counsel appearing for the applicant would urge that the applicant is a reputed businessman and has deep roots in the society. He would urge that the amount, which is alleged to have paid to the applicant in his account by co-accused was transferred to R.T.O. agent by name Sanjay, who has acted for accused

Dilip Chhabria. It is further claimed that the applicant has appeared before the I.O. and co-operated in the investigation and that being so his custodial interrogation is not justified.

4. Learned APP informs that even if the applicant has appeared before the I.O., he has not co-operated in the investigation. Relying on the statement of co-accused, entries in the accounts, it is claimed that there is sufficient material available on record to demonstrate prima facie involvement of the applicant in the crime.

5. Considered submissions.

6. The prosecution story narrated hereinabove depicts *modus operandi* adopted by accused Dilip Chhabria for getting illegal loans by showing mortgage of such non existent vehicles, which are shown on papers to be registered.

7. The regular procedure, which is required to be adopted in the process of registration is to physically produce the vehicle before the registering authority to verify engine and chassis number, so also the vehicle and after compliance, certify the registration.

8. For facilitating such illegal registration outside the State of Maharashtra, the applicant appears to be a live link as he has received amount in lakhs from co-accused Dilip Chhabria and facilitated such bogus registration with Road Transport Authority. It cannot be inferred in the aforesaid background that the applicant was doing friendly act or social service supporting the serious illegal acts of co-accused Dilip Chhabria. The applicant for illegal considerations has facilitated bogus registration of vehicles.

9. The amount received by the applicant from co-accused Dilip Chhabria for the aforesaid purpose sufficiently implicates him in the crime as his criminal intentions are quite evident. The evidence further depicts that the applicant has criminal intentions in the entire transactions.

10. Satisfaction of necessary ingredients of the Section under which the applicant is booked can be inferred. No case for pre-arrest bail is made out. The Application stands rejected.

(NITIN W. SAMBRE, J.)