

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 115/2021.

Mahesh Chandraprakash Chakole

-VERSUS-

State of Maharashtra, through P.S. Kapil Nagar, Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.S. Khubalkar, Advocate for the Applicant.
Shri I.J. Damle, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 05, 2021.

Heard.

2. Apprehending to be arrested in Crime No.48/2021, registered with the non-applicant – Kapil Nagar Police Station, Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicant is seeking pre-arrest bail. This Court has granted ad-interim protection to the applicant vide order dated 26.02.2021, which is prevailing till date.

3. At the instance of a report lodged by the

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R.T.O. Inspector dated 05.02.2021, a crime was registered. It is his case that on 06.10.2020, a vehicle bearing Registration No.MH-40-AT-1212 was brought for inspection and issuance of fitness certificate. At that time, he was in a hurry, and as he found the papers of said vehicle in bunch provided by the agent, he has mistakenly issued the fitness certificate without verification. After few days i.e. on 29.10.2020, he has seen a video-clip of the office proceeding dated 06.10.2020, on which he came to know that the said vehicle bearing registration No.MH-40-AT-1212 was kept at one side, which was obviously not inspected. He therefore, moved for cancellation of the said fitness certificate, which was accordingly cancelled.

4. Later on the informant learnt that the concerned vehicle bearing registration No.MH-40-AT-1212 was seized by Police Station Khapa in sand theft case, and on 06.10.2020, it was at Khapa Police Station. He realized that the vehicle brought at the R.T.O. Office on 06.10.2020 showing

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number plate of registration as MH-40-AT-1212, was manipulated one, and therefore, the complaint.

5. Learned Counsel for the applicant has primely submitted that on the date of inspection of vehicle, the applicant was not the registered owner of the vehicle nor tendered the papers for obtaining fitness certificate. In short he has no nexus with the entire episode, hence, by claiming innocence he urged for grant of protection.

6. It is not in dispute that on 06.10.2020, the informant himself has issued the fitness certificate for concerned vehicle, which presupposes verification of the vehicle. I may hasten to add that when the informant learnt that the vehicle was already seized by the police, then he made the exercise to verify the things from the video-clips and came to know that he has issued the fitness certificate without verification. Suffice to say that the report itself puts a big question mark on his own mode of functioning.

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7. Be that as it may, there is no material to show that the applicant was either a registered owner or in any way concerned with the vehicle, on the date when it was brought to passing, except one agreement.

8. There is no material to show that particularly on 06.10.2020, the applicant was personally present in the Regional Transport Office to manipulate the things for obtaining fitness certificate. Having regard to these facts, personal liberty of the applicant can be protected. The purpose of investigation would be achieved by directing the applicant to join the course of investigation. In view of that, this is a fit case to exercise judicial discretion in granting pre-arrest protection.

9. In that view of the matter, the interim protection granted in favour of the applicant vide order dated 26.02.2021, is hereby made absolute on the same terms and conditions, with a further direction that the applicant shall attend the

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concerned police station on every Sunday between
11 a.m. to 2 p.m. till the filing of the charge sheet.

10. Criminal Application is accordingly
allowed and disposed of.

Rgd.

JUDGE