

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

ANTICIPATORY BAIL APPLICATION NO.758 OF 2022

**QAZI NAFEUDDIN SIDDIQUI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Bhosale Mahesh Kalidas
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : 28th JULY, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. This Court has discussed the facts of the case while granting interim protection; hence to maintain the brevity, the facts are not reproduced. The applicant is a transport agent. His business is to make the vehicles available for transporting goods of various persons. He was simply to make the truck available; however, unfortunately the truck carrying goods met with an accident and fell into the river. It has been alleged against the applicant that in conspiracy with the driver, fake accident was created. The vehicle was deliberately left in the river. Before the fake accident, the liquor bottles from the truck were removed. The applicant is in conspiracy with the driver of the truck created that accident.

(2)

3. The fact of the accident is not in dispute. The prosecution has no material to satisfy the Court that except making the truck available to the goods owners, the applicant has any concerned with the alleged incident. Considering the business of the applicant, once he make the vehicle available for transportation, his role is over unless there are some contracts. The prosecution has no case that there was a contract with the applicant accepting the liability or responsibility of loss suffered during the transportation. In view of the facts of the case, this Court is of the view that the applicant is entitled to the anticipatory bail. Hence, the following order :

ORDER

- I) The application is allowed.
- II) Interim protection granted to the applicant by order dated 22.06.2022 is confirmed on the same terms and conditions of bail bonds and with additional condition that he shall attend the police station as and when called on written notice.

(S.G. MEHARE, J.)