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

ANTICIPATORY BAIL APPLICATION NO.799 OF 2022

**GURDEEP SINGH JAGIR SINGH
VERSUS
THE STATE OF MAHARASHTRA**

Mr Joydeep Chatterji, Advocate for applicant;
Mr K. S. Patil, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 2nd August, 2022

PC.

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State at length.

2. The specific allegations have been made against the applicant that he has taken away the truck from the driver of the complainant, which was sold by the applicant to the complainant. It is not in dispute that the present applicant had filed a report in the State of Punjab against the complainant that the part payment of the consideration of the truck sold to him has not been paid. Surprisingly, an offence was registered against the complainant. It appears that it was purely a civil contract. The amount of Rs.13,87,500/- out of Rs.45,00,000/- was remained to be paid towards the consideration of the truck sold to the complainant. The applicant has not denied that

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he has not taken away the truck and the truck-in-question is still in his possession. The applicant has high-handedly taken the law in his hand and committed the serious offence. Not only this but it has also been seriously alleged against the applicant that he abducted the driver of the complainant.

3. The learned counsel for the applicant has vehemently argued that the driver did not lodge the report when he was left in the State of Punjab. He had an opportunity to complain or atleast to run away when he was travelling in a vehicle for two days. The applicant has no intention to commit any offence. He was interested in getting the balance consideration of his vehicle. The applicant is a reputed person. If the applicant would be protected, no harm shall be caused to the prosecution.

4. The learned APP has vehemently argued that the applicant has acted high-handedly and forcefully took the truck in question from the custody of the driver of the complainant. Though the driver of the said vehicle did not lodge the report, serious allegations of taking away the truck unauthorizedly from the custody of the driver have been levelled. The truck in question is yet not recovered. It is in the custody of the applicant. The recovery of the truck is essential to complete the investigation. Since the date of the incident, the

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applicant has been disappeared. *Prima facie* material is against the applicant. The applicant has no case for anticipatory bail.

5. The facts discussed above clearly reveal that the applicant has taken the law in hand and threatening the driver of the vehicle which was transferred to the complainant, took away the truck only for the balance consideration. A civil remedy was available to the applicant to recover the money, but he has adopted the way which is a crime. The police are searching the applicant but they could not find him. Admittedly, the truck in question was transferred to the complainant by the applicant and major portion of the consideration was paid. The way adopted by the applicant is not legally recognized. Apparently, the applicant has committed a serious offence. The vehicle in question is to be recovered. Therefore, the applicant has no case for anticipatory bail. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

amj