

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.216 OF 2022**

Nasir Jafar Khan .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Gaurav Bhawnani i/b Abdul Wahab Khan for the applicant.
Mr. S.V. Gavand APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 3rd AUGUST 2022**

P.C:-

1 The applicant is facing charge u/s.379, 465, 467, 471, 120B r/w Section 34 Indian Penal Code. In connection with C.R.No. 499/2021 registered with Juhu police station, he was arrested on 18/7/2021 and since then, he is incarcerated.

2 The case of the prosecution is to the effect that the informant lodged a report against an unknown person for stealing his Wagon-R car. The applicant was arrested and one Wagon-R was recovered from him and prosecution allege that the applicant has changed chassis number and licence plate of the vehicle which was stolen from the informant. In the charge-sheet, statement of one Mohd. Asif Liyakat Siddiqui is recorded to the effect that he is into the business of purchasing the damaged vehicle from the insurance company and in the course of his business on 24/6/2021, he purchased one Wagon-R car which was damaged in an

accident, from ICICI Lombard Insurance in sum of Rs.1,86,000/- by submitting a Demand Draft. The said Wagon-R car was numbered as MH-15-GX-9303.

The said witness further state that the present applicant was desirous of purchasing the said car and the consideration was fixed as Rs.Two lakhs and accordingly, he transferred a sum of Rs.49,000/- by way of bank transfer and Rs.One lakh was given in cash. The balance amount was agreed to be given in 2 to 3 days. The car was made over to the applicant along with all its papers and the NOC issued by the Bank.

3 In the wake of above, since the applicant has established that the car which was recovered from him, is the one which is purchased from the said witness, and since the material available against the applicant is already compiled in the charge-sheet, further incarceration of the applicant is unnecessary. Hence, the following order :-

O R D E R

(a) Application is allowed.

(b) Applicant – Nasir Jafar Khan shall be released on bail in connection with C.R.No.499 of 2021 registered at Juhu Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall report to the concerned Police Station once in three months.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

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(e) It is made clear that the observations made above are restricted for determination of the application and the trial Court in any way shall not be influenced by the said observations, limited and restricted for this purpose.

(f) The Applicant shall regularly attend trial, on every date, unless he is exempted.

(SMT. BHARATI DANGRE, J.)