

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1330 OF 2022

Sagar Pandharinath Arade .. Applicant
Versus
State of Maharashtra & Anr .. Respondents

WITH
INTERIM APPLICATION ST NO. 8828 of 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 1330 OF 2022

Ganesh Panditrao Lohakare .. Applicant
Versus
State of Maharashtra & Anr .. Respondents

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Mr. Rajendra Narvankar for the applicant.
Mr.Jyotiram Shankar Yadav for the intervenor.
Mrs.P.P. Shinde, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 26th MAY, 2022
(Vacation Court)**

P.C:-

1 The applicant is seeking protection from arrest in connection with C.R.No. 0153/2022 registered with Mira Road Police station, invoking Sections 420 and 406 of the IPC. The complainant is one Ganesh Lohakare, who state that he was working as an Auditor of a Co-operative Housing Society and the applicant is his employee recruited in the year 2016. Since the

applicant was desirous of selling his four wheeler vehicle bearing No.Mh-04-JM-5109 and the informant expressed his desire to purchase the same for Rs.Three lakhs. The applicant assured the complainant that he will pay the monthly loan instalment due towards the vehicle and the possession of the vehicle was handed over to the informant, but there was a default on part of the applicant to pay monthly instalment, which prompted the informant to deposit the said amount of Rs.81,000/-, but for which the vehicle could have been attached by the ICIC Bank.

2 The complainant alleged that on failure to pay instalments, there was criminal breach of trust and an application was moved before the learned Magistrate, who ordered the investigation to be carried u/s.156(3) of the Cr.P.C which resulted in registration of an offence.

3 The grievance of the informant is revolving around the amount of Rs.81,000/-, which he was required to pay, which in fact the applicant was duty bound to pay by way of instalment. The informant has retained the possession over the vehicle and the learned counsel for the applicant categorically make a statement that he will sign the papers of the RTO for transferring the vehicle in his name, if presented within period of 15 days.

4 Subject to the aforesaid stipulation, since the accusation do not warrant any custodial interrogation, the applicant is entitled to be released on bail. Hence, the following

order :-

ORDER

- (a) In the event of his arrest, the Applicant – Sagar Pandharinath Arade in connection of C.R.No.0154/22 registered with Mira Road police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) 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.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.
- (d) The applicant shall sign the papers for transfer of the vehicle in the name of the complainant/informant within a period of four weeks from today.

The Application is allowed in the aforestated terms.

In view of the disposal of the Bail Application, Interim Application St No.8828/22 do not survive and is disposed off.

(SMT. BHARATI DANGRE, J.)