

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

ANTICIPATORY BAIL APPLICATION NO.3189 OF 2021

Ikhalaq Abdul Gaffar Dabawala Applicant
Versus
The State of Maharashtra Respondent

Mr. Sumant Desh Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 335 of 2021 registered with Mira Road Police Station, on 30/09/2021, under Sections 420 and 406 r/w. 34 of the Indian Penal Code.

2. The First Information Report is lodged by one Shivkumar Raj. He has stated that, he had purchased a luxury car in February 2020 for Rs.24 lakhs. In July 2021, he had given it for some repair works to a service center at Mira road. The service center was owned by Narendra Kathayat and Vishal Kathayat. Both of them told the first informant that, one

customer was interested in buying that car for Rs.26 lakhs. They asked for some commission. The informant showed his willingness. The car was kept in the service center for few days. The F.I.R. mentions that, on some pretext the service center owners took certain amount for repair works. The informant's mother was given Rs.1,75,000/- as a token money for prospective sale transaction of that car. However, subsequently no amount was given to the first informant and the car was also not returned. On inquiry, the informant came to know that, Vishal sold his car to Nauman, Vaibhav Madne and Imran Khatri. No money was given to the first informant. On this basis the F.I.R. was lodged.

3. Learned counsel for the applicant submitted that the applicant is a bonafide purchaser. He was not aware about the real ownership of car. He submitted that the car was sold by Vishal to Nauman. Nauman sold it to Vaibhav Madne. Vaibhav then sold it to Imran and then it was sold to the applicant. However, the car was purchased in the name of applicant's employee Mohammad Seliya. For

that transaction the amount from applicant's wife's account was used. Therefore, there is a record to show that the applicant had spent money to buy that car.

4. Learned APP opposed this application. She submitted that, there was no reason for the applicant to purchase that car in the name of his employee. She submitted that the applicant himself was in the same business of sale and purchase of cars. She submitted that the applicant has not co-operated with the investigation. The car is not traced yet. In the investigation it is revealed that the applicant's employee had further sold the car to one Javed who was residing in slum area. She submitted that this sale itself creates suspicion.

5. On 3.1.2022, a statement was made on behalf of the applicant that the applicant was willing to cooperate with the investigation and he would help the police in tracing the car, as well as, aforementioned Javed. On this statement, I had protected the applicant by way of interim relief.

6. Today, learned counsel for the applicant has produced a copy of the letter given to the investigating agency

by the applicant, wherein he has mentioned that he had produced copy of a cheque of Rs.13 Lakhs handed over to Mr. Ashraf Sultan Selia by Javed Shaikh by way of surety/guarantee. He has produced a copy of the PAN card of Javed Shaikh. Apart from that he has not produced any document or other relevant papers. According to the applicant all these papers are with DRI. Thus, it can be seen that the applicant has not really cooperated with the investigation. The entire transaction is suspicious. As is mentioned earlier, there was no reason for the applicant to have purchased a car in the name of his employee.

7. Considering the nature of allegations and non-cooperation on the part of the applicant, his custodial interrogation is necessary. No case for grant of anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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