

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

ANTICIPATORY BAIL APPLICATION NO.235 OF 2021

Mahendra Singh Chiman Singh
Rajawat

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Milan Desai i/b. Mr. T.R. Patel for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Mr. Ranjeet S. Gundre, API, Andheri Police Station, present.

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CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th JULY, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in MECR No.2 of 2017 registered at Andheri Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468 and 471 r/w 34 of the IPC.

2. Heard Mr. Milan Desai, learned counsel for the Applicant, Ms A.A. Takalkar, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid MECR was registered pursuant to the order under Section 156(3) of the Cr.P.C. passed by the learned J.M.F.C., 65th Court, Andheri, pursuant to the application /complaint filed by Vijay B. Dhavle on behalf of M/s. Volkswagen Finance Pvt. Ltd.

4. The FIR prima facie reveals that the Applicant had booked an Audi Card with Adya Motors. The Applicant had applied for loan from M/s. Volkswagen Finance Pvt. Ltd. through M/s. Aadya Motors Pvt. Ltd. The loan was sanctioned and the loan amount was credited into the account of M/s. Aadya Motors.

5. Learned counsel for the Applicant states that the Applicant had handed over signed post dated cheques to M/s. Aadya Motors pvt. Ltd. The Applicant paid three installments. Since the car was not delivered, by letter dated 06/03/2021 the Applicant cancelled the booking of Audi Car. The records do not prima facie reveal that the Applicant had received any amount either from M/s. Aadya Motors or from the co-accused.

6. In such circumstances, custodial interrogation is not justified. Moreover, the transaction is of the year 2016, crime was

registered in the year 2017 and the bail application is pending since 2021. There is no progress in the investigation.

7. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in MECR No.2 of 2017 registered at Andheri Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)