

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

ANTICIPATORY BAIL APPLICATION NO.279 OF 2023

Mohammed Muqem Haisyatali
Manihar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. P. Pandey with Mr. Tavqueer Siddhique i/b. Mr. Abhishek for the Applicant.

Mr. S.V. Gavand, APP for Respondent -State.

Mr. R. Jadhav, PSI Kandivali Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 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 C.R. No.1 of 2023 registered with Kandivali Police Station, Mumbai, for the offences punishable under Sections 419 and 420 r/w. 34 of the IPC and Sections 39, 192(1), 66 and 192 of the Motor Vehicles Act, 1988.

2. Heard Mr. Pandey, learned counsel for the Applicant and Mr. S.V. Gavand, 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. It is alleged that on 31/12/2022 while the First Informant-Police Head Constable -Sadashiv Kumbhar was on patrolling duty. He received phone call from one Police Constable that two vehicles having same registration number were parked on the road. It is stated that Engine and Chasis numbers of both the trucks were different. The drivers of the said vehicles were unable to produce the documents in respect of said vehicles. Said vehicles were owned by the Applicant. Hence, the FIR came to be lodged for cheating to save royalty.

4. By order dated 30/01/2023 this Court had granted interim protection to the Applicant with directions to report to the Investigating Officer. Learned APP states that the trucks have been seized and that the Applicant has reported to the Investigating Officer and that he has been interrogated and that the presence of the Applicant is not required for custodial interrogation.

5. 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 C.R. No.1
of 2023 registered with Kandivali Police Station,

Mumbai, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer;

(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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)