

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

ANTICIPATORY BAIL APPLICATION NO. 801 OF 2023

Sumit Balaram Khilare

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Marmik Shah for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

PSI Ajit Desai from Dindoshi P. Stn. Present.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.106 of 2023 registered with Dindoshi Police Station for offences under Section 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The Applicant is in the business of purchase and sale of used old vehicles. The records prima reveal that the Applicant ad purchase vehicle from one Mansuri and Mahesh Ahire. He refurbished the vehicle

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and sold the same to Vikrant Vikas Gadkar. It was learnt that the car which was sold was a stolen car. The crime was already registered against Mansuri and Mahesh Ahire at Goregaon Police Station in this regard. The purchaser lodged an FIR against the Applicant alleging that the Applicant had cheated him by selling the stolen car.

4. The Applicant had already lodged a complaint dated 6.9.2022 against Mansuri and Mahesh Ahire for selling stolen car and giving him forged and fabricated Registration Certificate as well as NOC. The question whether the Applicant is a victim or whether he is involved in sale of stolen cars, with Mansuri and Mahesh Aire is a matter of trial.

5. Considering the above facts, by order dated 16.03.2023, this Court had granted interim bail to the Applicant. Learned APP states that pursuant to the said order, the Applicant has reported to the Investigating Officer and he has been interrogated.

6. Learned APP states that presence of the Applicant is not required for custodial interrogation. In the light of the said statement and considering the nature of accusations, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.106 of 2023

registered with Dindoshi Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;

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

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)