

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1742 OF 2023

Arif Bagir	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 273 OF 2023**

Arif Mainuddin Bargir	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Aviraj S. Tavar, for the Applicant in ABA No.1742 of 2023.

Mr. Aviraj S. Tarar, for the Applicant in ABA No.273 of 2023.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

Mr. Shrikant Shendge, API, Panvel City police station.

CORAM : AMIT BORKAR, J.

DATED : JULY 5, 2023

P.C.:

1. The Anticipatory Bail Application No.1742 of 2023 in connection with C.R.No.660 of 2022 registered with Panvel City police station for offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'IPC'). The Anticipatory Bail Application No.273 of 2023 is in connection with C.R. No.138 of 2022 registered with the Panvel City police station for offences punishable under Sections 420, 406, 506 of IPC. The applicant in

both the applications seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.).

2. Allegations in Anticipatory Bail Application No.1742 of 2023 is to the effect that the informant sold his Mercedes car to the applicant who is running business in the name of Nisar Motor Garage. The agreed sale price was Rs.12 lakh out of which the applicant paid Rs.4 lakh and Rs.8 lakh towards balance. Despite payment of the said amount to the applicant, he sold car to third party. Therefore, the informant has filed report against the applicant.

3. Allegations in Anticipatory Bail Application No.273 of 2023 is to the effect that the applicant in the month of April, 2021 shown imported four-wheeler (Austin Martin) to the informant which informant agreed to purchase the said four-wheeler for Rs.45 lakh. The informant transferred Rs.48,57,000/- in the applicant's account. Moreover, the applicant shown the informant other two cars (Mitsubishi Pajero and Maserati Ghibli) agreed sale price of cars Rs.12,28,000/- and Rs.38 lakh respectively. The informant paid amount of Rs.42,60,000/-. But, the applicant did not transfer registration of cars (Austin Martin, Mitsubishi Pajero and Maserati Ghibli) in the name of informant. It is alleged that the car Mitsubishi Pajero has no registration number. The car Maserati Ghibli is neither handed over to the informant nor amount was return to the informant.

4. The applicant therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected.

Aggrieved thereby, the applicant has filed the present anticipatory bail applications.

5. On perusal of both the reports and material produced by the investigating agency, it appears that similar two offences have been registered against the applicant one at Sangali police station bearing C.R. No.715 of 2021 and other in Panvel City police station bearing C.R. No.660 of 2022. In the case of informant in ABA No.1742 of 2023, despite sale of vehicles purchase from the informant to third party, the applicant has refused to pay amount of Rs.8 lakh. In the Anticipatory Bail Application No.273 of 2023 despite, accepting entire price, registration of cars were not transferred in the name of informant. The car Mitsubishi Pajero sold to the informant does not bearing registration number and the car Maserati Ghibli is not delivered to the informant.

6. On overall consideration of aforesaid circumstances, it appears that the applicant in both anticipatory bail applications is habitual in duping persons like informant's. Therefore, custodial interrogation of the applicant is necessary to unearth similar nature of occurrence. Both the anticipatory bail applications are, therefore, rejected. No costs.

(AMIT BORKAR, J.)