

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

ANTICIPATORY BAIL APPLICATION NO. 2627 OF 2023

Hemant Purshottam Gosavi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Akshay Bankapur, for the Applicant.

Mr. R. M. Pethe, APP for the State/Respondent.

Mr. K. D. Sharwade, Ambad Police Station, Nashik City,
present.

CORAM: N. J. JAMADAR, J.

DATED: 20th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This application is preferred for pre-arrest bail in connection with CR No.399 of 2022, registered with Ambad Police Station, Nashik, for an offence punishable under Section 406 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant lodged a report with the allegations that the applicant had taken away his vehicle MH-15/ GV-9096 by making a promise that he would be paid Rs.24,000/- per month by way of hire charges. However, the

applicant in breach of the said contract sold the said vehicle with one Amol Andhale for a sum of Rs.2,00,000/-. When the first informant demanded the return of the vehicle, the applicant had allegedly drawn a cheque on an account which was already closed.

4. The learned Counsel for the applicant submitted that the real transaction between the parties was of the sale of the vehicle and the purchaser was expected to pay the balance EMI. The first informant has, however, lodged a report by making false allegations. The Court is informed that the vehicle in question MH-15/GV-9096 has already been seized.

5. The offence punishable under Section 406 entails punishment which may extend to three years. As the vehicle has been recovered, *prima facie* custodial interrogation of the applicant does not seem to be warranted. It would, therefore, be expedient to exercise the discretion in favour of the applicant while directing him to cooperate with the investigation.

6. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.399 of 2022, registered with Ambad Police Station, Nashik, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Ambad Police Station on every Saturday in between 10.00 am. to 1.00 pm. for a period of one month.
- (iii) The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]