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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3210 OF 2022**

Manoj Rajendra Gupta

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b Ms. Saili N. Dhuru for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

Mr. Harshal Kadam, API, Crime Branch Unit-1, Navi Mumbai present.

CORAM : S. M. MODAK, J.

DATED : 18TH APRIL 2023

P. C. :

1. Heard learned Advocate Mr. Kuldeep Patil for the Applicant and learned APP Mr. Dedhia for the Respondent-State.

2. According to learned APP, apart from the materials addressed by learned Advocate by Mr. Patil, on the last date, there are other materials as well. Today, learned APP pointed out those materials before this Court. It consists of statement of Raju Arjun Muthu dated 29th July 2021, recorded by the Crime Branch, Navi Mumbai in a different offence. It is on page 283.

3. Whereas according to learned Advocate Mr. Patil, the Applicant was accused No.2 in that offence and he is acquitted in Regular Criminal Case No.1051 of 2021 by the Court of Judicial Magistrate,

First Class, Panvel. Its copy is tendered on record and marked as **Annexure “X”**. There is no room for learned APP to dispute about those findings except by saying that offence is not proved.

4. It is true that the criminal law was set in motion in present crime by one Anand Jaganath Galve on 13th June 2021. He has lodged complaint being C.R. No.88 of 2021, registered with Sanpada police station in respect of theft of his Eeco Car bearing No. MH-03-y-9151 and an offence punishable under sections 379, 427, 465, 466, 468, 471, 473, 474, 413, 120-B and 34 of IPC is registered.

5. During investigation it was revealed that investigation is not limited as to extent of theft of that car but the crime branch could unearth involvement of several persons. The modus operandi was like that, certain cars are purchased by way of scrap. They are dismantled. Their engine number and chassis number are used and with the help of certain process, the culprits used to change those numbers.

6. Now the charge-sheet is filed for the present offence punishable under sections 379, 427, 465, 466, 468, 471, 473, 474, 413, 419, 120(B), read 34 of IPC. It is filed in all against 7 accused and some of them are absconding. Present Applicant is accused No.2.

The allegation against him is that he has assisted thieves and other persons in changing chassis number and engine number.

7. He claims that he is running a garage and legitimately he has purchased one tab from one Umang Gurmeet Singh. His statement is at page 266. It is described as **OBD Star Key Master**. It is true that this purchase is supported by voucher. There is allegation that he has sold that tab (which is used for preparing keys of vehicles) to accused No.1-Mohammad Taufiq and said Taufiq has used that tab for purpose of theft of cars. This transaction isolately is not sufficient to detain the Applicant behind bar. The Court has to see what is involvement of the Applicant, merely by sale of tab we cannot infer that the Applicant knowingly sold that tab to said Taufiq.

8. As stated above reliance is placed on statement of one Raju Arjun Muthu. It is at page 283. This is recorded in different offence and prosecution wants to rely upon it in present crime to show the involvement in present crime. His car bearing No.MH-47-C-7704 was damaged in car accident. He has sold away that car to present Applicant.

9. In fact, this statement was recorded by the Crime Branch, Unit

No.1, Navi Mumbai on 29th July 2021, and this statement was used as a material in present charge-sheet. In fact that was the material also filed along with the charge sheet numbered as R.C.C No.1050 of 2021 filed before the Court of the Judicial Magistrate, First Class, Panvel. I have read copy of the judgment. The offence was under section 379, 466, 471, 473, 474 read with 34 of IPC.

10. In that crime, the car bearing No.MH-46-AD-1945 belonging to one Smt. Farzan Shaikh was stolen. Its Engine number and chassis number were changed. There is allegation that the Applicant along with other accused Mohammad Taufiq (who is also accused in present offence) has done that exercise. For some reason or other prosecution could not prove the offence and both are acquitted vide judgment dated 30/11/2022. So it is difficult to consider that statement in present crime so as to detain the Applicant any further.

11. Except above, there are no other materials pointed out against the Applicant. So I am inclined to grant him bail. Hence, the following order is passed :

O R D E R

- (a) The Applicant-Manoj Rajendra Gupta be released on bail on furnishing personal bond and surety bond of Rs.50,000/- in

connection C.R. No.88 of 2021, registered with Sanpada police, Navi Mumbai for the offence punishable under sections 379, 427, 465, 466, 468, 471, 473, 474, 413, 419, 120(B), read 34 of IPC.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall give attendance to the Crime Branch, Unit- 1, Navi Mumbai on first Thursday of every month from 10 am to 12 noon until completion of trial.
- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.

12. Application is disposed of accordingly.

13. These are my prima facie observations and the trial Court may not be influenced by that.

14. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]