

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

ANTICIPATORY BAIL APPLICATION NO. 3170 OF 2022

Sajan Ramesh Hawale

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Priyal Sarda for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mr. A.M.Gavde, Head Constable from Bijapurnaka P.Stn. Present.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 3rd 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.496 of 2022 registered with Vijapur Naka Police Station for offence under Section 379 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and 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 aforesaid crime was registered pursuant to the FIR lodged by Yuvraj Nilkanth Sulgadale. It is the case of the prosecution that his father had purchased a Swift Dezire Car bearing No. MH-13-DE-7197.

It is alleged that the Applicant had approached the Complainant with a request to give the vehicle on rent. He stated that on 29.08.2021, when

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SALGAONKAR**

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the Complainant parked the vehicle at Mangal Residency, and went to the house of the Applicant, the Applicant was not in the house, and when the Complainant returned, he found that the vehicle was not found at the spot. He therefore lodged a complaint against the Applicant herein for committing theft of the car.

4. The records reveal that the first informant had received an amount of Rs. 3,49,000/- from the Applicant herein. This Court (Coram : N.R. Borkar, J.) while granting interim bail to the Applicant on 17th November, 2022 has observed that the Complainant has suppressed this fact. The Applicant was directed to report to the Investigating Officer. Learned APP states that the Applicant has reported to the Investigating Officer, and that he has been interrogated.

5. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation. Hence, interim bail stands confirmed.

6. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)