

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.272 OF 2023
(Sachin Gangadhar Bahe and anr.Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.V. Shah, Advocate for the applicants.
Shri I.J. Damle, APP for State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 27, 2023.

Heard.

2. Present application is filed by the applicants for seeking anticipatory bail in connection with Crime No.140 of 2023 registered at police station Anjangaon Surjee, District Amravati under Section 379 of the Indian Penal Code.

3. The applicants are apprehending arrest at the hands of police as crime is registered against them on the basis of report lodged by Ashfaq Ali Wald Sayed Ali. The present applicants are the employees of Shriram Finance. As per the allegation in the FIR, the informant is the owner of Hero Company Destini Model Scooter bearing No.MH-27-DG-8442. Said motorcycle was purchased by him in the name of his wife in the year 2022. On 18 February 2023 at about 10:30 p.m. he has parked his motorcycle by locking its handle in front of his house. He has kept Rs.17,000/- in the dicky of said scooter. On the next day, he found that his scooter is not at the place

where it was parked. It was stolen by somebody, and therefore, on the basis of said report, police have registered the offence against the unknown persons. During investigation, it reveals that said scooter was taken by the employees of the Shriram Finance, and therefore, crime is registered against them.

4. The applicants are apprehending arrest at the hands of police. It is the contention of the applicants that the wife of the informant has obtained the financial assistance from them and not repaid the said amount, therefore, the employees of the finance company took the possession of the said scooter however, false complaint is lodged against them.

5. It is further contention of the applicants that now the possession of the scooter is already handed over to the police. Now the custodial interrogation is not required, and therefore, the applicants be protected by granting anticipatory bail.

6. Said application is strongly opposed by the State on the ground that the custodial interrogation of the present applicants is required to recover the amount of Rs.17,000/- and prays for rejection of the bail.

7. Heard learned Counsel for the applicants and learned Additional Public Prosecutor for the State. It is apparent that the wife of the informant has purchased the said scooter after obtaining the loan from Shriram Finance and not repaid the said loan, therefore, the

employees of the Finance Company has obtained the possession of the said scooter, and therefore, the crime appears to be registered against the present applicants.

8. Now as per the order of the trial Court the Finance Company has already handed over the possession of the said scooter to the police, so custodial interrogation of the present applicants is not required. As far as the interrogation with the present applicants is concerned, physical custody of the present applicants is not required, therefore, the application deserves to be allowed by imposing certain conditions. Accordingly I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicants – (1) Sachin Gangadhar Bahe and (2) Sagar Bhimraoji Gathe in connection with Crime No.140 of 2023 registered at police station Anjangaon Surjee, District Amravati under Section 379 of the Indian Penal Code, be released on anticipatory bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) each, with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose.

(iv) The applicants shall furnish their cell phone numbers and address along with their address proof.

(v) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(vi) The applicants shall not indulge in similar type of the offence.

(URMILA JOSHI-PHALKE, J.)

**Divya*