

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 352/2023

Santosh s/o Nivrutti Kajale

Vs

State of Maharashtra, through Police Station Officer, Police Station,
Dhanaj, Taluka Karanja, District Washim.

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

Court's or Judge's Order

Mr A.D.Thote, counsel for the applicant
Mr A.M.Kadukar, APP for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/07/2023.

1. Heard.
2. Present application is for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure in the event of his arrest in respect of Crime No. 280/2022 registered with Dhanaj Police Station for the offence punishable under Section 406 of the Indian Penal Code.
3. The applicant is apprehending his arrest at the hands of the Police as Crime is registered against him on the basis of a report lodged by one Sunil Ramdas Khadse on an allegation that, as the applicant was visiting his house for treating his mother and got acquainted with him, the applicant has obtained his motorcycle on 09/11/2022 and not returned back.

Though the informant attempted to communicate with the applicant, he was not traceable. On the basis of the said report, the Police have registered the offence under Section 406 of the Indian Penal Code.

4. Considering that the applicant has already handed over the vehicle to the Police and interim protection was granted to the applicant. Now, it is the contention of the present applicant that custody of the present applicant is not required. The crime was registered out of misunderstanding and hence the interim protection granted to him be confirmed.

5. The said application is strongly opposed by the State on the ground that for interrogation purpose, custodial interrogation of the present applicant is required.

6. Having heard both the sides and on perusal of investigation papers, it reveals that the only allegation against the present applicant is that he has obtained the motorcycle of the informant and not returned back. After registration of the crime, he has handed over the said motorcycle to the Police. Thus, custody of the present applicant is not required. As far as the interrogation purpose is concerned, the conditions can be imposed on the present applicant. In view of the interim protection is granted to the present

applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The applicant/accused is hereby released on anticipatory bail in the event of his arrest in connection with crime No. 280/2022 registered with Police Station, Dhanaj for the offence punishable under Section 406 of the Indian Penal Code on executing P.R. Bond in the sum of Rs. 15,000/- with one solvent surety in the like amount.
- b) The applicant/accused shall attend the concerned Police Station as and when required for investigation purpose.
- c) The applicant/accused shall submit his cell phone number along with his address with address proof, before the Investigating Officer.
- d) The applicant/accused shall not induce, threat or promise any witnesses who are connected with the alleged crime.

Criminal Application is disposed of.

JUDGE