IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 137 OF 2024

Ayyub Rashid Sayyed … Applicant

VERSUS

The State Of Maharashtra
And Another … Respondents

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Mr. Narayan B. Narwade, Advocate for Applicant
Mr. A.A. Khan, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.1193 of 2023, registered with Newasa Police Station, District-Ahmednagar for offences punishable under sections 417, 420 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Pravin Haribhau Achpale alleging that he was acquainted with applicant Ayub Sayyed since prior to six months of filing complaint in connection with selling of four wheeler vehicles. He was intending to sale out his Mahindra pickup vehicle bearing no.MH-13-CJ-1529 and applicant assured him that he will facilitate his proposal. Applicant called one Sagar Arun Shinde, a proposed purchaser

of vehicle and convened his meeting with him. His vehicle was hypothecated with one finance company for loan amount of Rs.6,25,000/-. There was an agreement between him and Sagar Shinde through the present applicant to the effect that Sagar shall pay an amount of Rs.32,500/- to him and he shall also repay said loan amount of Rs.6,25,000/-. Accordingly, a deed of agreement is prepared on notary stamp in the office of advocate Kale of Newasa. But after lapse of six months also, the purchaser Sagar never paid a single rupee towards loan amount to the finance company. He took search by trying to contact said purchaser, but it is found that he has been cheated by said Sagar Shinde by telling his false name as Sagar, and actually his name was Pratik Pandurang Aatkar. He was already booked for commission of offence of cheating at Rahuri Police Station.

3. Heard learned advocate for applicants and learned APP for respondent - State. Perused the Investigation papers.

4. The only role attributed to applicant is that he introduced the main accused to informant. Admittedly, applicant is working as an agent in sale and purchase of motor vehicles. Applicant has no criminal antecedents. From the

investigation papers, it appears that applicant has only introduced the main accused to informant.

5. According to prosecution applicant was knowing that main accused has different name and he is entering into transaction with informant with fake name and Aadhaar Card, but there is no material in support of the said allegation in the investigation papers. *Prima facie*, there is nothing on record to connect applicant to the present crime.

6. Applicant was granted interim protection and he has attended the concerned Police Station and co-operated in the investigation. Nothing is to be recovered from him. Therefore, his pre-trial custodial detention is not necessary.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated 05.01.2024.

8. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE