



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.249 OF 2023

Shrikrishna Nilakanth Nakate ... Applicant

VERSUS

State of Maharashtra
And Another ... Respondents

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Mr. Mr. Rajendrraa S. Deshmukkha, Senior Advocate i/b Mr.
S.B. Rajebhosale for the Applicant
Mr. A.R. Kale, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

Reserved on : 08.02.2024

Pronounced on : 06.03.2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 30 of 2023 registered with Beed Rural Police Station, District Beed for the offence punishable under sections 120-B, 409, 420, 467, 468, 471, 201 read with section 34 of the Indian Penal Code.

2. Deputy RTO, Beed by office order dated 31.01.2023 authorized informant, RTO Inspector to lodge FIR against applicant. On 02.02.2023, informant lodged FIR stating that applicant was working as Assistant RTO, Beed and was holding additional charge of Deputy RTO office, Beed from 01.07.2017 to 30.11.2017. During this period, applicant conspired with the

racket, which used to register/re-register bogus/fake trucks in Maharashtra and registered/re-registered following trucks at Beed.

अ.क्र.	वाहन क्रमांक	चेसिस क्रमांक	इंजिन क्रमांक	वाहनांची पुर्ननोंदणी कामकाज केलेली अधिकारी	वाहन बीड कार्यालयात नोंदणीचा दिनांक	उत्पादक कंपनी
1	MH23AU0461	MAT448060F2A09111B591803241	A56644446	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
2	MH23AU0462	MAT466422FHH4192151	H80078965	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
3	MH23AU0460	MAT466422FHH1635251	H80060822	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
4	MH23AU0455	MAT48030E5K6194120	K84684949	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
5	MH23AU0459	MAT448030E5K4155720	K84638201	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
6	MH23AU0458	MAT448066EAF0510041	E84161400	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
7	MH23AU0463	MAT448030E5K4158920	K84683690	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
8	MH23AU0457	MAT4466422FHH1624151	H8006061	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
9	MH23AU0499	MAT448033E5G4258741	G65744536	श्रीकृष्ण नकाते	15/11/2017	टाटा मोटर्स
10	MH23AU0502	MAT448033E5G4258941	G65644368	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
11	MH23AU0516	MAT448033E5G4178541	G6564325	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
12	MH23AU0512	MAT448022F1J2028951	J64755978	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
13	MH23AU0510	MAT448022F1J3028951	J64756978	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
14	MH23AU0542	MAT466422E5C9058441	C84147784	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
15	MH23AU0513	MAT466422E5C7626041	C84144578	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
16	MH23AU0508	MAT448033E5G4175541	G65644502	श्रीकृष्ण नकाते	27/11/2017	टाटा मोटर्स
17	MH23AU0540	MAT44802251J2028551	J64755949	श्रीकृष्ण नकाते	30/11/2017	टाटा मोटर्स
18	MH23AU0507	MAT466422E5C9062141	C84147365	श्रीकृष्ण नकाते	30/11/2017	टाटा मोटर्स
19	MH23AU0504	MAT466422E5C9054741	C84147854	श्रीकृष्ण नकाते	30/11/2017	टाटा मोटर्स

While registering/re-registering the above trucks, procedure/process done by manufacturer, dealer, RTO Inspector, Registering Authority, Clerk like data entry, inspection, verification, approval, registration and taking print of registration certificates, everything is done by applicant by using his login ID and password. The then RTO, Aurangabad inquired about the said trucks from Tata Motors. They have informed, *"as per our records attached list of chassis numbers sent by you does not match in our SAP system, all are fake numbers according to us"*. Again information was sought from Tata Motors by letter dated 21.09.2022, to which they have replied that, *"we have checked our records and find that the chassis numbers appear to be forged as we do not have any records of the same"*. Therefore, applicant conspired with other accused persons by manipulating engine numbers and chassis numbers of Tata Heavy motor vehicles, uploaded false information on Government portal. Therefore, trucks in the list were registered/re-registered in fake and bogus manner and the Government was cheated. Original record is destroyed by applicant and others.

3. Heard learned senior advocate and learned APP for respondents – State. Perused the investigation papers.

4. Learned senior advocate for applicant submits that applicant is innocent and he has not committed any offence. There is delay in lodging FIR as the alleged re-registration of vehicles has taken place in the year 2017, and FIR is registered on 02.02.2023 i.e. almost after five years. There is no financial loss to the Government as registration/re-registration charges of all these trucks are already paid. There is no departmental enquiry initiated against applicant and due to the departmental rivalry, applicant is falsely implicated in the present crime. From the FIR, it is not clear as to what false informant is uploaded and what false electronic record is prepared by applicant.

5. Learned APP strenuously opposed the application by relying on investigation papers. It is submitted that applicant while working on the post of Assistant RTO, has indulged in commission of serious offence of registration/re-registration of bogus vehicles. It is submitted that informant was directed to verify the vehicles registered by applicant. Accordingly, informant went and verified Truck bearing No. MH-23-AU-0461, and its chassis number was found to be manipulated and fake. Addresses of owners of remaining vehicles were bogus. Those vehicles could not be traced and some of the

vehicles may have been scrapped. It is also submitted that offence at Crime No.119 of 2020 is registered against applicant at Vedantnagar Police Station, Aurangabad for offence under sections 406, 420, 468,471,120-B, 201 read with section 34 of the Indian Penal Code, wherein allegations of similar nature are levelled against applicant. For effective investigation applicant's custody is necessary. Hence, application may be rejected.

6. The procedure which is followed while registering/re-registering vehicles in RTO office is that, Clerk in the RTO office verifies the documents of the vehicle to be registered/re-registered, he enters the data of the said vehicles on the official website. The vehicle is then physically inspected by the RTO Inspector. No objection certificates issued by RTO authorities of other States for registration/re-registration of vehicles are to be checked from the portal of that authority. Hard copy of such no objection certificates are also sent by the registering authority, through R.P.A.D. to the RTO of that State for verification.

It is revealed during investigation that, this procedure is not at all followed in respect of 19 trucks in the list. Applicant himself has conducted entire procedure, which is

done by clerk, registering authority, vehicle inspector of RTO office. No objection certificates of other RTO authorities from different States were not checked. Neither the verification of no objection certificates from the portal of other States is done nor the hard copies of no objection certificates were forwarded through R.P.A.D. to the said States for verification. Entire process of registration/re-registration is done by applicant by using his login ID and he has taken out prints of registration certificates. Had these trucks been produced for inspection and were inspected by RTO Inspector, the manipulation of chassis and engine numbers could have been detected at that stage only.

7. Registered/re-registered trucks are not traceable. Addresses of their owners recorded in the RTO office are found to be fake and bogus. Out 19 trucks, only one truck could be traced. Though registration of these trucks is cancelled, not a single owner of those trucks has approached the appellate authority, challenging the cancellation of registration/re-registration.

8. *Prima facie*, from the investigation papers, active involvement of applicant in commission of offence is made out. There appears substance in the prosecution case that though

engine numbers and chassis numbers of these trucks were manipulated, applicant registered/re-registered these trucks by using his post and did not allow any subordinate officer or clerk to participate in the said process. It further appears that false information in respect of said trucks was prepared and uploaded by applicant on Government portal. Though applicant was duty bound to scan the original record/documents of the said trucks, and upload it on RTO portal, he has not done it and has destroyed the original record/documents of the said trucks.

It is revealed in the investigation that, applicant joined Beed RTO office on 02.08.2017 and worked there till 20.11.2017. After applicant, one Salim Shaikh was holding charge of Deputy RTO, Beed, from 20.11.2017. Though applicant was not holding the charge of RTO office, Beed, he has registered/re-registered nine trucks on 27.11.2017 and two trucks on 30.11.2017. Applicant has used his user ID and OTP received by him on his cellphone, to complete the said process of uploading false information of the said trucks. On inquiry with Beed RTO office, it was learnt that during his tenure, applicant has registered/re-registered total 54 vehicles. Those vehicles are found to be from other States.

9. There is merit in the contention of prosecution that custodial interrogation of applicant is necessary to ascertain as to who has participated in the present crime along with applicant and from where no objection certificates of the said 12 trucks were obtained, to ascertain whether these were stolen trucks, whether tax of these trucks is paid or not and whether there is any racket operating in registration/re-registration of the stolen trucks.

10. Fact remains that Crime No.119 of 2020 is registered against applicant at Vedantnagar Police Station, Aurangabad for offence under sections 406, 420, 468,471,120-B, 201 read with section 34 of the Indian Penal Code, wherein similar allegations are made that applicant has registered/re-registered stolen vehicles from other States by tampering the chassis numbers and engine numbers of those vehicles.

11. Considering gravity of offence and complicity of applicant in serious crime, and since offence of similar nature is registered against applicant in the past, applicant does not deserves discretionary relief of anticipatory bail. Custodial interrogation of applicant is necessary for effective investigation.

12. Application is therefore rejected.

13. At this stage, learned advocate for applicant prays for continuation of interim relief granted on 22.02.2023. Since the interim protection operating in favour of applicant since long, the same is continued for a period of two weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane