



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 ANTICIPATORY BAIL APPLICATION NO. 882 OF 2024

Mohammed Javed Ali S/o. Mohammad Mauzam Ali

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Shri R.S. Deshmukh, senior counsel i/b Mr. Devang R. Deshmukh and Mr. Vishal A. Chavan with Ms. Meenal S. Deshmukh

APP for Respondents: Mr. P.K. Lakhotiya

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.33 of 2022 registered with Itwara Police Station, district Nanded, for the offences punishable under sections 420 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant was intending to purchase a car, hence he approached accused No.1 Accused No.1 shown him one Ertiga vehicle bearing No. MH-47-K-5124. Accused No.1 told the informant that he and his partner i.e. the applicant have taken the said vehicle from owner of the said vehicle viz. Mr. Mukesh Pawar. It is alleged that accused No.1 told the informant that he will transfer the said vehicle in his name within one month if he intends to

purchase. At that time, the applicant was present. It is alleged that the informant purchased the said vehicle for Rs.5,51,000/-. Out of that amount, he gave Rs.5,00,000/- to accused No.1 in cash and Rs.26,000/- to the sister of accused No.1 on phone pay. The agreement was done between the accused No.1 and the informant in that regard. It is alleged that after agreement, accused No.1 handed over the documents and vehicle to the informant. Thereafter, the informant took the said vehicle to Nanded and he used it. He inquired with accused No.1 about transfer of the vehicle in his name but accused No.1 was not doing it. Hence, the informant checked the online then he came to know that the applicant has got transferred the vehicle in his name. Then the informant and his brother in law met applicant and accused No.1. At that time, they both told to the informant that there was dispute between them and now it is settled and they will transfer the vehicle in the name of the informant. It is alleged that on 20.1.2022 the informant had parked the said vehicle at his residence at Degloor Naka Point, on the next day he found that his vehicle was not there. When he checked the CCTV footage he saw that the some persons took away that vehicle. It is alleged that the said vehicle at present is in the possession of the applicant. When the informant enquired with the applicant about the same, he told the informant that accused No.1 has not given the amount of the vehicle to him. Hence, he has taken away the said

vehicle. Thereafter, the informant lodged the complaint against the accused No.1 and the applicant under the above referred sections.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The vehicle is in the name of the applicant. The applicant never assured the informant that he will sale his vehicle. The purchase amount of the vehicle is taken by accused No.1. The custodial interrogation of the applicant is not required as the applicant never cheated the informant. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant is the partner of accused No.1. The applicant was present with accused No.1 when the transaction about vehicle was going on. The applicant and accused No.1 are acting in collusion with each other. The vehicle was in possession of the informant. The custodial interrogation of the applicant is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. From the contents of F.I.R. it appears that there were talks between the informant and accused No.1 about purchase of vehicle. The amount of vehicle is given to accused No.1 and his sister. The agreement is executed between

the informant and accused No.1. No role is attributed to the applicant about cheating the informant. The applicant is owner of the vehicle. Considering this fact, the custodial interrogation of the applicants is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) In the event of arrest of the applicant in connection with crime No.33 of 2022 registered with Itwara Police Station, district Nanded, for the offence punishable under sections 420 r.w. 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/