2024:BHC-AUG:14533

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

89 ANTICIPATORY BAIL APPLICATION NO. 1080 OF 2024

Bhagwat Rajaram Deshmukh ..APPLICANT

-VERSUS-

State of Maharashtra ..RESPONDENT

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Advocate for Applicant : Mr. Pahilwan Gautam J.
APP for Respondent/State: Ms.V.S. Chaudhari

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.I 202 of 2024 registered with City Chowk Police Station, Aurangabad, for the offences punishable under sections 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that informant Sumit Purushottam Kulkarni, Senior Manager (Legal), HDFC ERGO General Insurance Company lodged the report stating that on 31st August, 2018, a notice in M.A.C.P. no. 117 of 2018 was received by their insurance company, however, no documents were received at that time. It was case wherein Bhagwan Bhikaji Tupe died in a vehicular accident, regarding which Crime No.380 of 2017 was registered. The vehicle involved was Ape rickshaw bearing No. MH-20-BT-8139. When the documents of insurance policy were seen, the name of insured was Bhagwat

Rajaram Deshmukh. When the computer system search was made neither Ape rickshaw number nor the insurance policy was found. It was fake insurance policy. Hence the informant lodged the report.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Ape rickshaw was in custody of Ganesh Rane to whom it was sold by the applicant on 1st February, 2015 and agreement to that effect was also executed. Considering the allegations against the applicant, his custodial interrogation is not required, hence requested to allow the application.

4. It is contention of the learned APP that the applicant is owner of rickshaw. The insurance policy of the said rickshaw stands in the name of the applicant, which is fake insurance policy. Though the applicant is stating that the said rickshaw was sold to Ganesh but transfer of the said rickshaw was not done in the record of R.T.O. Custodial interrogation of the applicant is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. Admittedly, the fake insurance policy is in the name of the applicant. Though the applicant is stating that the offending rickshaw was sold to one Ganesh but the insurance policy is standing in the name of the applicant. Moreover, the transfer of ownership of the rickshaw is not effected in the R.T.O. record. It shows that the defence

of selling of rickshaw is taken after thought as there are allegations of preparing fake insurance policy. Considering the allegations against the applicant, his custodial interrogation is required and I pass the following order :-

ORDER

(i) The application is rejected.

[SHIVKUMAR DIGE, J.]

sga