

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 620 OF 2024

Lalsingh Chotelal Pavaiya

.... Applicant

Versus

The State of Maharashtra

.... Respondent

YUGANDHARA  
SHARAD  
PATIL

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YUGANDHARA  
SHARAD PATIL  
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Mr. Rajas Naik, for the applicant.

Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.  
DATE : 6<sup>th</sup> MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 314 of 2023 registered at Badlapur (West) Police Station, Thane, on 09/12/2023 under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Rajas Naik, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Vaibhav Gujar. He has stated

that he had purchased a four wheeler in the year 2019 by taking loan. It was a second hand car. In 2021, he was short of funds. He was finding it difficult to pay installments of the loan taken for purchasing the car. The present Applicant was his friend. The informant approached the Applicant and told him his difficulty. The Applicant suggested to him that the informant could give his car to one Satyaprakash Varma, who was taking the vehicles on hire. The informant met Satyaprakash Varma at the Applicant's house. There was a discussion and Satyaprakash agreed to pay Rs.30,000/- per month for using the informant's car. One agreement was executed on 17/04/2023. On 18/04/2023, the Applicant and Satyaprakash came to the informant's house, the car was given in the possession of Satyaprakash. It is his case that Satyaprakash paid Rs. 30,000/- for two months but thereafter did not pay further rent. He stopped receiving the informant's calls. Even the Applicant did not give satisfactory answers. On this basis, the informant has lodged the FIR not only against Satyaprakash but also against the present Applicant.

4. Learned counsel for the Applicant submitted that even the Applicant is a victim at the hands of Satyaprakash. There is another FIR lodged at Rabale MIDC Police Station vide C.R. No. 394 of 2023 under Sections 406 and 420 of the Indian Penal Code against Satyaprakash Varma by one Rajendra Mengane. In that FIR, the details of other transactions involving other victims are mentioned. The Applicant is also mentioned as one of the victims. The Applicant had given his car on rent to Satyaprakash Varma. There was an agreement but Satyaprakash did not pay the rent since five months before lodging of that FIR and had disappeared. Therefore he submitted that the Applicant is also one of the victims. He cannot be a person who in connivance with Satyaprakash had cheated the first informant in this case.

5. Learned APP accepted the submissions that C.R. No. 394 of 2023 is lodged by Rajendra Mengane and in that FIR the present Applicant is also shown as one of the victims at the hands of the main accused Satyaprakash.

6. Considering this situation, it is clear that the Applicant is also one of the victims. He had also lost his vehicle. The Applicant's story mentioned in C.R. No. 394 of 2023 of Rabale MIDC Police Station does not appear to be a concocted story. In this view of the matter, his custodial interrogation on the allegations made by the present first informant Vaibhav would not be justifiable. He needs to be protected under section 438 of Cr. P.C. Hence the following order.

**ORDER**

- (i) In the event of his arrest in connection with C.R. 314 of 2023 registered at Badlapur (West) Police Station, Thane, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 30,000/- (Rupees Thrity Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**