

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1307 OF 2024

Bharat Dipak Khodkar	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Umesh Pawar for Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

CORAM : MANISH PITALE, J.

DATE : JUNE 18, 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant has approached this Court as he apprehends arrest in the context of FIR No.1059 of 2021 registered on 28.08.2021 at Chakan Police Station, District - Pimpri Chinchwad for offence under Section 379 of the Indian Penal Code, 1860 (IPC).

3. The FIR was initially registered against the unknown persons. Investigation led to involvement of the co-accused persons, who were alleged to have stolen vehicles, tampered with *chasis* numbers of the vehicles and prepared false number plates in order to dispose of such stolen vehicles.

4. The allegation against the applicant, who is a police constable, is that he purchased one of the stolen vehicles. It is further alleged that he executed a notarized document for sale and purchase of the vehicle and despite being a police constable and expected to have the knowledge that vehicles cannot be sold or purchased by way of notarized documents, he

proceeded to do so. The stolen vehicle was allegedly recovered from the applicant. But, the Sessions Court, while rejecting the anticipatory bail application of the applicant, by order dated 30.04.2024, *inter alia*, observed that investigation revealed that the applicant is also one of the members of a 'big scam' of theft of vehicles.

5. The learned counsel appearing for the applicant submits that other than purchasing the stolen vehicle, there is no allegation against the applicant. There is nothing to indicate the involvement of the applicant along with the co-accused persons, who may have indulged in the theft of vehicles. It is further submitted that according to the applicant, the investigating officer has acted in a high-handed manner and that the applicant had registered his protest against the manner in which the investigating officer had proceeded with the matter. It is submitted that the applicant is ready to co-operate with the investigation and this Court may consider the present application favourably.

6. This Court had adjourned the present application to be heard today to enable the learned APP to take appropriate instructions as to whether the investigation carried out till date revealed any involvement of the applicant in the big scam of theft of vehicles as recorded by the Sessions Court.

7. The learned APP referred to the material that has come on record as on today in pursuance of the investigation carried out by the police machinery. At this stage, the allegations regarding tampering with the *chasis* numbers of vehicles and preparing false number plates after theft of such vehicles, appear to be limited to the co-accused persons.

8. As against the applicant, the only allegation, at this stage, appears to be of having purchased the stolen vehicle and that too, on the basis of a notarized document, while as a police constable, the applicant should

have known that it was not or could not have been the basis of sale and purchase of the vehicle.

9. The learned APP has not been able to show any material on the basis of which the Sessions Court reached the finding that the applicant is one of the members of the 'big scam' of theft of vehicles. It is a different matter that as a police constable, the applicant could have been more careful and he should have made appropriate inquiries before purchasing the subject vehicle. The fact that the vehicle is supposed to have been purchased on the basis of a notarized document also shows the callous approach of the applicant. But, this Court is of the opinion that this factor in itself does not support the finding of the Sessions Court that the applicant is part of some 'big scam' of theft of vehicles.

10. In view of the above and particularly when the applicant, being a police constable, has undertaken before this Court that he would co-operate with the investigation, the present application deserves to be allowed. Accordingly, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.1059 of 2021 registered on 28.08.2021 at Chakan Police Station, District - Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] and a surety in the like amount;
- B. The applicant shall appear before the investigating officer on 21.06.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

10. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

11. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab