

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.2012 of 2024

Kishor Jyotiba Kokane

Age: 42 yrs, Occ: Business

Add: Anna Bhai Sathe Nagar

VN Marg Nr Gandhkuti Vihar

Ramabai Colony, Ghatkopar,

Mumbai 400 075.

... Applicant.

Vs.

The State of Maharashtra

(at the instance of Wadala TT

Police)

.... Respondent.

Mr Harshad G. Meshram for the applicant.

Mr Arfan Sait, APP for Respondent/State.

PSI Rahul Waghmode, Wadala TT Police Station, is present.

Coram : R.N.Laddha, J.

Date : 22 July 2024.

P.C. :

Heard Mr Harshad G. Meshram, the learned Counsel for the applicant and Mr Arfan Sait, the learned Additional Public Prosecutor for the respondent /State.

2. The applicant has filed this application seeking pre-arrest bail in connection with CR No. 0492 Of 2024,

registered at Wadala TT Police Station, Mumbai, for offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code (IPC).

3. The prosecution contends that the informant expressed interest in buying a truck and subsequently contacted co-accused Pratap Gade, who had posted a truck sale advertisement on the OLX Portal. In this context, Pratap Gade finalised the deal and accepted an amount of Rs.11,10,000/- from the informant. However, the informant neither received possession of the vehicle/truck, nor had the amount returned to him. Allegedly, the applicant, in whose premises the truck was parked, demanded Rs.2,85,000/- for giving possession of the truck.

4. Mr Harshad Meshram, the learned Counsel for the applicant contends that the applicant is falsely implicated and has no connection to the present crime. The delay in filing the First Information Report (FIR) is unusual. The applicant neither sold the alleged truck to the informant nor owns it, and no consideration was received for any such transaction involving the vehicle by the applicant. The applicant has cooperated with the police investigation and attended the police station.

5. Mr Arfan Sait, the learned APP, submits that the applicant conspired with co-accused Pratap Gade and they accepted Rs.11,10,000/- from the informant. However, they denied the possession of the vehicle and instead, the applicant demanded a sum of Rs.2,85,000/- in exchange for doing so.

6. After perusing the record, it appears that the sole allegation against the applicant is related to a demand for Rs.2,85,000/- in exchange for releasing possession of a vehicle to the informant. However, it appears that the applicant is not the owner of the vehicle in question, which the finance company had already seized due to an existing mortgage. Additionally, the applicant is not the recipient nor beneficiary of any payment from the informant. There is nothing to be recovered from the applicant. The applicant has attended the police station and the substantial part of the investigation is over. Considering the aforesaid and having regard to the nature of allegations, I do not find any reason not to secure him with the benefit of bail in anticipation of arrest.

7. Accordingly, the application is allowed in the following terms.

- (i) In the event, the applicant is arrested in connection with CR No.0492 Of 2024,

registered at Wadala TT Police Station, Mumbai, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station on 23 to 25 July 2024 between 11:00 a.m. and 2:00 p.m. and thereafter as and when required and cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R.N.Laddha,J.]