

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

Anticipatory Bail Application No.2596 of 2024

Adil Fakruddin Khan

Age: 34, Occ.: Mechanic,

Residing at temporarily, Flat No.B/301,

Mogra Bldg., Evershine Nagari, Opp.

Vithal Mandir, Valiv, Vasai (E),

Dist. Palghar,

Having permanent address at

Dhulawat (81) Mewat,

Haryana, 122105

... Applicant

v/s.

State of Maharashtra

(Through DCB CID Crime Branch)

... Respondent

....

Mr Shubham Mhatre, for the Applicant.

Mr Yogesh Y Dabke, APP, for Respondent State.

API Vaishali Pawar, Unit-02, DCD, CID, Byculla, is present.

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Coram : R.N. Laddha, J.

Date : 1 October 2024

P.C. :

Heard Mr Shubham Mhatre, the learned Counsel, appearing on behalf of the applicant; Mr Yogesh Y Dabke, the learned Additional Public Prosecutor, appearing on behalf of the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.139 of 2020, registered with DCB, CID Crime Branch, Mumbai, (Antop Hill Police Station CR No.300/2020), for offences punishable under Sections 420, 465, 467, 468, 471, 379 read with 34 of the Indian Penal Code.

3. The prosecution contends that the applicant has been involved in a creation of forged documents, including a chip-card, to facilitate the illegal transfer of JCB machines from Haryana to Maharashtra.

4. Mr Shubham Mhatre, the learned Counsel for the applicant asserts the applicant's innocence and submits that the applicant has been falsely implicated in the present crime. The applicant is a mechanic who runs a motor mechanic business in Vasai. The investigation has already been concluded, and the charge sheet has been filed. Notably, Section 379 of the Indian Penal Code was dropped at the time of filing of the charge sheet. The applicant is ready to cooperate with the investigation and willing to provide his specimen handwriting to the investigating agency. All the offences are triable by the Court of Magistrate. The

statements of the original owners were not recorded, and there are no details regarding the amount of tax amount allegedly evaded. The vehicles in question have been recovered. The material on record suggest that there was legitimate sale purchase transaction concerning the alleged vehicle. The documents purported to be forged are already in the possession of the investigating officer. Furthermore, the co-accused in the case have been released on bail.

5. Mr Yogesh Dabke, the learned APP for respondent/State emphasises the severity of the offence and contends that the applicant was instrumental in the creation of fraudulent documents, which facilitated the illegal transfer of JCB machines from Haryana to Maharashtra. The applicant's action was to defraud the Government by evading the mandatory transfer fees and road tax.

6. Upon perusing the records, it appears that the applicant is not named in the FIR. The investigation into the case has been concluded, and the charge sheet has already been filed. Additionally, the co-accused in this matter have been released on bail. The applicant is willing to cooperate with the authorities by providing specimen of his handwriting to the

investigating officer for further examination. The trial will take its own time and the prolonged detention of the applicant would not serve any fruitful purpose. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order.

ORDER

(i) In the event of arrest, the applicant shall be released on bail in CR No.139 of 2020, registered with DCB, CID Crime Branch, Mumbai, (Antop Hill Police Station CR No.300/2020), on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station, as and when required.

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

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]