

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

ANTICIPATORY BAIL APPLICATION NO. 3180 OF 2024

Saurabh Sunil Kakade	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Salman Pathan a/w Dipak Y. Jadhav for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
API - Vitthal Karambalkar, Chinchwad Police Station.

CORAM: MANISH PITALE, J.
DATE : 29th NOVEMBER 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0281 of 2024 dated 9th July 2024 registered at Chinchwad Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 406 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in his statement has raised a grievance that he interacted with the applicant and co-accused person concerned with an entity called Diamond Motors, in the context of purchasing a second-hand vehicle. The informant has stated that after the terms of the transaction were analyzed, he had transferred huge amount of Rs.9,00,000/- into the account of the

Diamond Motors and it was agreed that upon payment of balance amount of Rs.1,20,000/-, the entire papers pertaining to vehicle would be handed over to him. According to him, despite transfer of the said huge amount, the transaction did not go through and the vehicle went missing. It was later on realized that the vehicle belonged to some third person and that the accused persons had connived to dupe the informant.

4. The learned counsel for the applicant submits that since the applicant was merely an employee of Diamond Motors and since the amount concerning the transaction was credited into the account of the said Diamond Motors, no criminal liability can be foisted on the applicant. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP submits that the investigation has revealed that the arrested co-accused Nitesh Pawar was working as a driver with the original owner of the vehicle, who is running a business of Tours and Travels. The co-accused person, in connivance with the applicant and the other co-accused person, clandestinely sold the aforesaid vehicle behind the back of the original owner to the informant, for financial gain. It is submitted that both the co-accused persons have been arrested and the applicant cannot claim ignorance or claim that he has not financially benefited from the transaction. Therefore, it is submitted that the application may be dismissed.

6. This Court has considered the rival submissions. The statement of the informant clearly brings out the role of the applicant along with the co-accused persons enticing the informant into the aforesaid transaction, pertaining to sale of the second-hand vehicle. Even if the applicant claims to be an employee of Diamond Motors, if the business of the said entity was indeed sale and purchase of second-hand vehicles, the least that the applicant was expected to do, was to ensure that the vehicle that was being sold, had proper papers and all due verifications were carried out. In the absence of very such action taken by the applicant and when it has come to light that the driver of the original owner was party to the aforesaid act of illegally selling the vehicle behind the back of the original owner to the informant, the applicant cannot escape criminal liability.

7. The learned APP has further informed that the Police is investigating the role of the purported owner of Diamond Motors and during the investigation it is revealed that the said purported owner, a lady, was working as a sweeper in Diamond Motors. This raises a serious suspicion about the manner in which the applicant connived to dupe the informant. The other named co-accused persons are already arrested.

8. Additionally, the learned APP has highlighted the fact that two other FIRs bearing Nos. 505 of 2024 and 479 of 2024 for identical offences have been registered against the applicant at Wakad Police Station, Dist. Pune. This is also a factor against the

applicant, while considering the present application.

9. No case is made out for granting anticipatory bail. Hence, the application is dismissed.

MANISH PITALE, J.