



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 345 OF 2024

Akshay s/o Deepak Totade Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.P Kshirsagar, counsel for applicant

Ms. Soniya Thakur, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/07/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 302/2024, registered with Police Station Gittikhadan, Nagpur for the offence punishable under Section 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of a report lodged by one Piyush Jayant Mahalaxme alleging that he gave his car bearing No. MH-40-C-6005 on rent to one Pranay Mukund Kale. The rent of the vehicle was fixed at Rs. 3000/- per day. The accused No.1 i.e., Pranay Mukund Kale, is neither paying rent nor returning the car. So he made a search for it, and he came to know that, with the help of the present applicant, he had sold the car to one Parshuram Radheshyam Wanjari and received the amount. On the basis of said report, the police have registered the crime against the present applicant.

3. Learned APP strongly opposed the said application on the ground that custodial interrogation of the present applicant is required.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that as far as the present applicant is concerned, his role is only to work as a broker to sell the car. Thus, considering the allegation against the present applicant, his custodial interrogation is not required as the incriminating car is not in his possession. In view of that, the application deserves to be confirmed. Accordingly, I proceed to pass the following order;

- a) The interim protection granted to the present applicant dated 17/05/2024 is confirmed with similar terms and conditions.
- b) The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]