



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 ANTICIPATORY BAIL APPLN. NO. 1185 OF 2024

**MOHAMMAD ASIF SHAIKH SATTAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. P. P. Giri
APP for Respondent-State: Mr. A.A.A. Khan

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 09.01.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No.528/2023 , registered at Basmat City Police Station, Taluka Basmat, District Hingoli for the offences punishable under sections 406, 417, 419, 420, 465, 468 and 471 read with 34 of IPC.

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

4] Learned counsel for the applicant submits that this Court by order dated 15.07.2024 granted interim protection to the applicant and he is co-operating with the investigation.

5] The allegations against the applicant in the F.I.R. are that, on 15.07.2023, the accused, namely Mohammad Asif Shaikh Sattar (present applicant) and Mohammad Sajid Abdul Rashid Qureshi came to the house of the informant and requested to give his four wheeler vehicle bearing registration no. MH 37 V 4310 for the purpose of pilgrimage of his daughter and son-in-law.

6] The informant agreed and accused persons took his vehicle in which original certificates of the vehicle and other documents were kept. After 8 days, the informant made a call to accused no. 2 and asked for his car and he replied that his car is at pune, he will return it in 8 days. Thereafter, on 08.08.2023 the applicant had made a call to the informant and told him that the accused no. 2 was in financial crunch. Therefore he has pledged his car and the applicant assured the informant that he will bring his car back and he asked Rs. 1,50,000/- from the informant. On believing the accused persons the informant transferred Rs. 1,50,000/- on phonepe. Thereafter, the car was not returned to the informant. Thus, the F.I.R. is lodged against the accused persons.

7] It is submitted by the learned counsel for the applicant that on 24.06.2023, the complainant had requested the applicant to give an amount of Rs.

10,00,000/- as hand loan for investing into his business of plots and the applicant assured the informant that he will pay back the said amount within a period of 3 months. Thereafter on persistent demand, the applicant had issued cheque of Rs. 10,00,000/- in favour of the complainant on 07.10.2023. The said cheque was presented in the bank for encashment on 07.10.2023. However, the said cheque was returned for want of insufficient funds. Thereafter on 27.02.2024, the informant initiated proceedings under section 138 of Negotiable Instruments Act, 1881 against the present applicant before Judicial Magistrate First Class, Basmatnagar.

8] Considering the above submissions of the applicant and on the perusal of the complaint it appears that, the amount of Rs. 1,50,000/- paid to the applicant may or may not be towards the release of car. It is apparent that, there are parallel transactions between the parties unconnected with the car transfer.

9] In view of the above, the interim protection granted by order dated 15.07.2024 stands confirmed, on the following terms:

- i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

10] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

RPB