



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1235 OF 2025

Devilal s/o Sardarsing Rajput ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. , M. L. Wankhade, Advocate for the Applicant.

Mr. S. S. Dande, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 19.08.2025

Pronounced on : 22.08.2025

ORDER :

1. Instant application is for grant of anticipatory bail on account of registration of crime no. 0330 of 2024 registered at Vaijapur Police Station, District Chh. Sambhajinagar for offence under Sections 420, 406 r/w 34 of IPC.

2. Learned counsel for the applicant submits that, above report has been falsely lodged. Applicant is not named. There seems to be some transaction of sale of tractor. That, actually, other accused have sold the tractor. That, applicant has no concern with the said transaction. Rather, he is the purchaser. Considering the nature of allegations, it is stated that, custodial interrogation is not necessary and applicant is ready to co-operate with the investigation.

3. Learned APP opposed on the ground that there is cheating to the complainant. Though applicant is not named, in view of nature of allegations, for thorough investigation, application is sought to be rejected.

4. Perused the FIR dated 17.05.2024. Informant Kiran Chavan, who seems to be working as Manager at Sai Tractor Agency, lodged above report alleging that on 01.12.2023, one Kaduba had come to purchase new tractor and also selected one model. It is further reported that previously, one Kiran Machindra Gondhale, also a resident of village Aurala, had come, selected and taken a tractor on finance. Kiran Gondhale informed informant that Kaduba was his friend and that Kaduba was also intending to purchase tractor and available tractors in the showroom were shown. It is further alleged that at that time, Kaduba selected one tractor and paid Rs.21,000/- cash and it was decided that remaining amount of Rs.6,50,000/- would be raised by loan. That time, Kaduba assured to pay Rs.50,000/- next day, but requested to handover tractor that day itself to enable him to perform *pooja*, and also assured that loan documents would be tendered tomorrow. Believing him, informant claims that, tractor was allowed to be taken that day. On next day, i.e.

02.12.2023, contact was made with Kaduba to complete the transaction, but he allegedly told that it would not be possible for him that day and he assured to come tomorrow to the showroom. However, he never brought the tractor back for further process. During visit of complainant along with finance people to the houses of Kaduba and Kiran, They both were not found, neither the tractor was brought back and therefore, above complaint is lodged against Kaduba and Kiran for commission of above offence.

5. Thus, from above FIR, it is emerging that name of present applicant Devilal is not appearing in the FIR at least.

6. Learned APP opposed on the ground that present applicant is also involved, and crime of similar nature is already registered against him at Kannad Police Station. Learned APP pointed out that there is statement of Sandip Jagdish Thakur. On carefully going through his statement dated 06.04.2025, it is emerging that present applicant, who is a resident of Pangra, used to suggest people to purchase tractors on loan, hand over the tractor to him and he would further deploy it in sugar factory and he himself would repay the loan. From the statement of Sandip, it seems that, present applicant along with Mahendra Salunke, who works as an agent, and also brother in law of

present applicant, namely Motilal Rajput, used to introduce farmers with said scheme and make them purchase tractors on loan and further asked them to hand over tractors and even used to pay some price i.e. of the tractors of which neither full payment was made nor loan was sanctioned. Therefore, with such *modus operandi*, it seems that Kaduba and Kiran have fallen to the trap.

7. According to learned APP, Devilal is the main person in above transactions and therefore his custody is necessary. Considering the statement of Sandip Thakur and also on going through the statement of Kaduba and Kiran, this Court does not find it a fit case to extend benefit of anticipatory bail when particularly police papers depict that, similar crime has already been registered against applicant bearing no. 179 for offence under Sections 420, 406 of IPC, and moreover present applicant is shown to be absconding. Hence, following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]