



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

ANTICIPATORY BAIL APPLICATION NO. 1382 OF 2023

Kailash Balasaheb Karpe
VERSUS
The State Of Maharashtra

Mr. N. L. Chaudhari, Advocate for Applicant
Mrs. M. N. Ghanekar, APP for Respondent/State

CORAM : R. M. JOSHI, J.

DATE : 06th February, 2025

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 0123/2022 registered with Chalisgaon Road Police Station, District Dhule for the offences punishable under Sections 420, 421, 424, 464, 465, 468, 471, 483, 489, 120(b) read with 34 of Indian Penal Code and under Sections 192, 192(b)(3) of Motor Vehicle Act.

2. First Information Report indicates that information was received by RTO with regard to the tampering of the chassis number and engine number of trucks. Initially, 8 trucks were taken into custody. After registration of crime, 72 more trucks came to be seized.

3. As far as present applicant is concerned, there is allegation against him on the basis of a statement of witness Premraj Patil that he had brought TATA 10 tyres truck bearing Registration No. MH 18 BG

4754 to the parking lot. He, therefore, apprehends arrest in connection with this crime.

4. Learned counsel for the applicant submits that applicant is not the owner of the truck. It is his contention that charge sheet is filed in the year 2022 and in the said charge sheet, there is no statement of any witness to indicate that the applicant is the owner of the truck. It is his submission that after the conclusion of investigation, custodial interrogation of the applicant is not necessary.

5. Learned APP opposed the application by drawing attention of the Court to the statement of witness Patil as well as Dhananjay Ghuge in order to contain that there is sufficient evidence to indicate that the truck in question belongs to the applicant. She, therefore, claims that this is a case of custodial interrogation.

6. Statement of witness Patil does not indicates that the applicant is the owner of the truck. It only claims that at his instance, the said truck was parked at the particular place. Investigation is completed in year 2022 itself. Statement of Ghuge is recorded in January, 2024. There is no explanation as to why his statement could not be recorded before the charge sheet is filed. This Court, therefore, finds substance in the contention of the learned counsel for the applicant that

this statement is recorded only in order to ensure that the present application get rejected.

7. In view of the above, there is prima facie no substance in the allegation against applicant. Liberty of the applicant was protected by order dated 22.08.2023 which appeared before the Investigating Officer. There is no grievance that he did not co-operate in the investigation. He is not likely to flee. Hence allowed in terms of interim order.

(R. M. JOSHI, J.)

bsj