



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

ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2024

Shoeb Khan Shakeel Khan

VERSUS

The State Of Maharashtra And Another

Mr. Shaikh Shohail Subhedar, Advocate for applicant

Mr. S. B. Jadhav, APP for respondent Nos. 1 & 2/State

CORAM : R. M. JOSHI, J.

DATE : 09th January, 2025

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 89/2024 with Parli City Police Station, Dist. Beed, for the offences punishable Under Sections 420, 417, r/w 34 of Indian Penal Code.

2. First informant Amol Chavan reported to the police on 16.06.2024 that in the year 2022, his acquaintance applicant and co-accused approached him for purchase of his BMW car. Through, applicant he agreed to sale the said car to Mujib and Naeem for Rs. 10,50,000/-. They assured him to pay the consideration within 8 days. It is alleged that believing on the said assurances, vehicle was handed over to the applicant and co-accused. In spite of delivery of vehicle, amount of consideration was not paid to the informant. On the contrary, said car

was sold to third party i.e., Rafiq Meman.

3. Learned counsel for the applicant submits that report has been lodged belatedly i.e., after about 2 years. He further claims that the present applicant is alleged to be agent. It is his submission, it is not a case of the informant that applicant has sold the said vehicle to Rafiq. It is further argued that liberty of the applicant was protected and pursuant thereto, he has attended the police station and cooperate in investigation.

4. Learned APP opposes the application by contending that there are statements of witnesses which indicate that vehicle was handed over in custody of all three accused person. It is his submission that for the purpose of recovery of the vehicle, custodial interrogation of the applicant is necessary.

5. There is no dispute about the fact that co-accused were arrested and now released on bail. The incident has occurred in December 2022 whereas the report is lodged in June 2024. Though, learned APP has tried to justify the delay causing First Information Report, there is absolutely no explanation found in that regard in the

report itself. In any case, allegation against present applicant is that he is acted as an agent and not the purchaser of the vehicle. His liberty was protected by order dated 17.10.2024. He has appeared before the Investigating Officer. He has not misused liberty.

6. Application stands allowed in terms of interim order.

(R. M. JOSHI, J.)

bsj