

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3323 OF 2024

Akshay Rajendra Sanghvi

...Applicant

Versus

State Of Maharashtra

...Respondent

Adv. Abhishek Kulkarni a/w. Adv. Sagar Wakale, Advocate for the Applicant.

Mr. Nitin Patil, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATED : 24 FEBRUARY 2025

P.C.:

1. The Applicant is original Accused No.1. There are four Accused in this case. As far as Accused No.3 Kishor Kokane, is concerned, coordinate bench of this Court, by order dated 22 July 2024, passed in Anticipatory Bail Application No.2012 of 2024, has allowed the Anticipatory Bail Application on certain conditions.

2. Mr. Kulkarni, the learned Advocate for the Applicant submits that Accused No.2-Pratap Gade, was arrested and later granted regular bail by the Sessions Court. A copy of the said order should

be tendered on the next occasion.

3. It appears that the present Applicant (Akshay Sanghvi) was owner of the truck. According to the prosecution, Accused No.2 Pratap Gade, is his paternal uncle. It is admitted that Pratap Gade was the one who published an advertisement for the sale of the subject truck on the “OLX” website.

4. It is the case of the present Applicant that he never authorised Accused No.2 Pratap Gade, to publish and advertisement for the sale of his truck on the OLX website. The said truck is currently lying in the godown of Mr. Pratap Gade (Accused No.2) and Kishor Kokane.

5. As per the case of the prosecution that an amount of Rs.11,00,000/- has been received by Mr. Pratap Gade. However, Mr.Kulkarni, on instructions, submits that the Applicant has not received any amount from the sale of the truck. He submits that entire transaction alleged in the F.I.R. took place without the Applicant’s knowledge. Therefore, he submits that his client has been wrongly implicated in the present F.I.R., despite being the one who has actually suffered, as he neither received any money from the sale of the truck nor is the truck currently in his custody.

6. In fact, the Applicant has lodged a complaint with the Kandivali Police Station , copy of which is enclosed at page 45 of the present Anticipatory Bail Application. However, the police have not registered an F.I.R. against the Applicant. The statement of the Informant, Sandip Mhatre, has been recorded wherein admissions have been made that the present Applicant has not received any amount. The said statement is annexed at page 65 of the present proceedings.

7. Since, the learned APP seeks a short accommodation, stand over to 27 February 2025 matter to come up on the supplementary board.

8. Interim relief granted earlier to continue till the next date of the hearing.

(RAJESH S. PATIL, J.)