



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3323 OF 2024

AKSHAY RAJENDRA SANGHVI

...Applicant

VS

STATE OF MAHARASHTRA

...Respondent

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

Mr. Anand Shalgaonkar, APP for the State.

None for respondent No.2.

Mr. Rahul Waghmode, Wadala Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 25 MARCH 2025

P.C.:

1. The applicant has filed this application seeking pre-arrest bail in connection with CR No.0492 of 2024, registered at Wadala TT Police Station, Mumbai, for offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.

2. Mr. Kulkarni, the learned advocate for the applicant submits that the applicant has deposited a sum of Rs.3,50,000/- in this Hon'ble Court in order to show his bonafide. He submits that the subject Dumper/Truck owned by the present applicant has been sold by the

Pratap Gade and Kishor Kokane to the informant. He submits that subject dumper is lying with the Cooperative Credit Society. By an order dated 24 February 2025, interim protection was granted to the applicant.

3. For Ease of reference, the said order is reproduced herein below :

“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. “*

4. Since the applicant being a owner of the vehicle who has lost the possession of his vehicle and according to him not received any consideration. Even then he has been roped in the present crime as an accused.

4. The applicant has shown his bonafides by depositing a sum of Rs.3,50,000/- in this Court. He has lost his vehicle and Pratap Gade is a paternal uncle of the present applicant. Without taking permission of the present applicant the said Pratap Gade has published the advertisement for sale of the subject truck. Mr Pratap Gade has already received of Rs.11,00,000/- as per the prosecution case. The applicant has lodged the complaint against the present Pratap Gade and other involved in the crime.

5. In such a situation, where the applicant was cooperated with the police, the custody of the present applicant would not be necessary. A case is made out for granting Anticipatory Bail Application.

ORDER

(a) The anticipatory bail application is allowed

(b) In the event of arrest of the Applicant CR No.0492 of 2024, registered at Wadala TT Police Station, Mumbai, for offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.

The Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend and meet the investigating officer of the concerned police station on 1 April 2025 and 2 April 2025 between 11.00 a.m to 1.00 p.m., thereafter as and when called.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

6. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)