

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 3396 of 2024

Harshad Ram Karale

Hindu-Adult, Aged about 25 years,

R/at. Own House 83, Kalyan

Badlapur Road, Near Shankar

Mandir, Belwaligaon,

Badlapur West, Dist. Thane.

... Applicant

versus

The State of Maharashtra

(Through P.I. of Badlapur Police Station)

... Respondent

Mr Ankesh Thakur a/w Ms Isha Laddha, for the Applicant.

Mr Prashant Jadhav, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 14 July 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.352 of 2024, registered at Badlapur Police Station, for offences punishable under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 10 March 2024, the informant agreed to sell his 17-seater Force AC bus to the

applicant for Rs.6,90,000/-. As a part of the mutual understanding, the applicant made an initial payment of Rs.45,000/- and promised to pay the remaining amount three months later, providing eight cheques as a form of security. Based on this understanding, the informant delivered the bus to the applicant. However, when the three-month period elapsed, the applicant failed to settle the outstanding balance and refused to return the bus when the informant requested its return, thereby misappropriating the informant's vehicle and defrauding him.

3. Mr Ankesh Thakur, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He further asserts that after the deal was struck, the informant failed to hand over the necessary documents to show his ownership; thus, the applicant withheld the payment of the balance amount. The learned Counsel submits that the applicant has surrendered the bus, which is now in the informant's possession. There is nothing left to be recovered or discovered from the applicant, and the applicant is willing to abide by any conditions set forth by this Court if released on bail.

4. Mr Prashant Jadhav, the learned Additional Public

Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and submits that the offence is of a serious nature. Based on instructions from the investigating officer, who is present in the Court, the learned APP acknowledges that the investigation has concluded and nothing remains to be recovered or discovered from the applicant. However, he expresses concerns about granting pre-arrest bail to the applicant as he may tamper with the evidence or exert influence on the witnesses.

5. Upon perusing the records, it appears that the informant and the applicant entered into an agreement for the sale of the informant's bus for an amount of Rs.6,90,000/-. Following this agreement, the applicant initially paid Rs.45,000/-, and the informant handed over the vehicle to him. The parties also agreed that the outstanding amount would be paid after three months from 10 March 2024. Thereafter, in June 2024, the applicant refused to repay the outstanding amount and did not return the vehicle, prompting the filing of the present FIR. The records indicate that the applicant has already surrendered the bus in question. The learned APP fairly acknowledges that the investigation has concluded, and nothing remains to be recovered or discovered from the applicant. Additionally, the applicant has no criminal antecedents. With nothing left to be

retrieved at the applicant's behest and the conclusion of the investigation suggesting that the applicant's custody is no longer warranted, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.352 of 2024, registered at Badlapur Police Station, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall attend the concerned Police Station as and when required until the filing of the charge sheet.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]