

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3050 OF 2025**

Arif Noormahammad Pathan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Sidheshwar N. Biradar a/w. Mr. D. R. Shinde, for the Applicant.
Ms. S. M. Yadav, APP, for the Respondent-State.
Mr. Maroti Metalwad, PSI, attached to Yavat Police Station, Pune,
present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 6th NOVEMBER 2025**

PC:-

1. Heard Mr. Biradar, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.594 of 2025 registered with Yavat Police Station, Pune, for the offence punishable under Sections 316(2) and 318(4) of the Bharatiya Nyay Sanhita, 2023.

3. The prosecution case is set out in paragraph No.3 of the Anticipatory Bail Application, which reads as under:

“3) That the case of the prosecution is as under-

i) It is alleged that, Complainant had purchased a truck by taking loan of Rs. 26 lakhs and he was paying monthly installments of Rs.61,635/- towards repayments of the said loan. Since he was not getting driver for the said truck and the EMI's were being delayed, he decided to sell the said truck. One Santosh Piraji Misal (Accuse No. 1) contacted the Complainant for purchase of the said truck and visited his house on 29.7.2022. At that time loan amount of Rs. 6 lakhs was outstanding. Sell price of Rs. 18,50,000/- of the said truck was agreed between Complainant and Accuse No. 1 and out of that certain amount was paid immediately and balance was to be paid subsequently by the Accuse No. 1 directly to the finance company.

ii) It is further alleged that, since Accused No, I failed to pay loan installments, Complainant received phone calls from the finance company and inspite of repeated assurances, Accused No. 1 failed to pay the installments and also not paid balance amount to thy Complainant as agreed between them. In this manther Accused No. I has cheated the Complainant for an amount of Rs. 16,49,400/-.”

4. It is the submission of Mr. Biradar, learned Counsel appearing for the Applicant that the Applicant is not named in the FIR. The only allegation against the Applicant is that the truck

which was agreed to be sold by the First Informant in favour of the accused No.1 is found in possession of the Applicant. He submits that the dispute is predominantly of civil nature and in fact, the First Informant has issued notice to the accused No.1 under Section 138 of the Negotiable Instruments Act, 1881. He further submits that the accused against whom the main allegations are made was arrested on 21st September 2025 and immediately on 22nd September 2025, he has been released on bail.

5. On the other hand, Ms. Yadav, learned APP strongly opposes the Anticipatory Bail Application. She submits that there are two antecedents against the Applicant and the truck is yet to be recovered from the Applicant. Therefore, she submits that the Anticipatory Bail Application be rejected.

6. Mr. Biradar, learned Counsel appearing for the Applicant states that the Applicant will completely co-operate with the investigation.

7. Although, there are antecedents against the Applicant, they are of the year 2017 and 2021 and the Applicant has been released on bail in those cases.

8. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Arif Noormahammad Pathan in connection with C.R. No.594 of 2025 registered with the Yavat Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the Yavat Police Station, Pune, on 12th November 2025 and 13th November 2025 and thereafter as and when called by the Investigating Officer.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and

shall keep the same updated, in case of any change thereto.

- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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