

MHCC050061832022



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1855 OF 2022
(CNR NO.MHCC05-006183-2022)

Mr.Mohd. Mobin Millat Khan

An adult, Indian Inhabitant,
Age: 61 years; Occ: Business,
Residing at - Room No.329,
Ganesh Nagar Welfare Society,
Marve Link Road, Kandivali (West),
Mumbai 400067.

...Applicant/Accused

V/s.

State of Maharashtra
(at the instance of Kandivali
police station).

...Respondents

Ld. Advocate Shri T.R.Patel for the Applicant/ Accused.

Ld.APP S.B.Panchpohar for the State.

CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE

SHRI N.L.KALE

(C.R.NO.14)

DATE : 24th November, 2022

ORDER

This is an application u/s.438 of the Criminal Procedure Code
1973 filed by the applicant for seeking Anticipatory Bail in

C.R.No.1181/2022, registered at Kandivali police station, for the offences punishable under sections 419, 420, 465 of the Indian Penal Code.

Brief facts which gives rise to file the present application are as under: -

2. Complainant Ajay Rane is serving as Police Sub-inspector in Traffic Branch, Kandivali. On 25.7.2022, he came to his office as usual. At about 9.00 pm, an information was received to in-charge PI Shri Rokade that two trucks having similar number plates are parked at Karbala Maidan, in front of Atharva College, Kandivali (West), Mumbai. After receipt of the above information PI Rokade, complainant and other staff visited the spot of said information. They noticed, their two red colour trucks having similar number plates as MH-47-Y-5525 were parked on that spot. It was also found that they were having different Engine number and Chasis number to them.

3. Raiding party bring those trucks at police station. Name of driver of the said truck was Salim Khan. Police asked him to bring/show the documents of those trucks for which he denied for the same. Hence, police issued notice under section 207 of MV act to the said driver.

4. On the basis of Chasis and Engine number of the said trucks, police obtained information of those trucks from RTO office. It was transpired that, trucks are owned by Mohd. Mobin Millat Khan i.e. present applicant. It was further transpired that Vinod Jagan Yadav, residing at Nallasopara was the owner of truck number No.MH-48-AY-1455 who sold the said truck to the applicant.

5. In inquiry police came to know that both the above trucks owned by this applicant and for one of the truck, there was a loan obtained from ICICI Bank, Vasai(West). But the borrower Vinod Yadav failed to deposit further installments of the said loan and he sold the said truck to the applicant, without giving any information to the bank.

6. Thus, it is alleged that to avoid an action of seizure of his truck by the bank, for its installment, the applicant was using his both the trucks by putting similar and same number plates for his both the trucks, Thereby, the applicant committed cheating.

7. Hence, PSI Rane of Traffic Branch lodged complaint in this regard. On the basis his said compliant Kandivali police station registered the present crime and started investigation.

8. Now, by filing this application, the applicant is seeking pre-arrest bail to him. According to the applicant, he has not committed any offence as alleged against him. He alleged that the said truck is owned by Vinod Yadav who sold the same to Indrajeet Kanojia. Thereafter, Indrajeet Kanojia has sold the same to the applicant by executing sale agreement dated 13.8.2019. He alleged further that, local painter has committed mistake regarding number plates of his trucks. He specifically alleged that the said painter has mistakenly and wrongly painted the same number for both the trucks of applicant. According to the applicant, he has not committed any cheating. He is ready to co-operate with police machinery. He prays for pre-arrest bail to him.

9. Prosecution has strongly opposed the prayer by filing reply vide Exh.2. According to prosecution, when they raided the spot of information, at that time, it was noticed by raiding party that two trucks having same and similar number plates were standing there. Prosecution specifically alleged further that, only to avoid an action of seizure of truck by bank, the applicant has, with dishonest intention put the same number plates for his both the trucks. Prosecution alleged further that for the purpose of further investigation presence of the applicant in custody is necessary.

10. Ld. Advocate Shri T.R.Patel of the applicant/accused submitted that, there is no any dishonest intention on the part of the applicant to put the same number plates on his two trucks. He submitted further that only due to mistake of painter those number plates have been fixed on both the trucks of applicant. He relied upon entries regarding the payment of installments made by the applicant to the bank and submitted that no any cheating is committed by the applicant. He prays to allow the prayer.

11. On the contrary, Ld. APP Shri Panchpohar submitted that, only to avoid seizure of his trucks by the bank, the applicant has used the same number plates for his both the trucks. He submitted further that the act of the applicant i.e. using two trucks by affixing a same number plate is nothing but cheating only. According to the Ld. APP custodial interrogation of the applicant is necessary at the hands of the police.

12. On perusal of the contents in FIR, it appears that when a raid is conducted on receipt of an information, it was found to police that two trucks owned by the applicant were parking on that spot and for both the trucks same number was present. Accordingly, police prepared panchnama. The applicant is not denying the fact that both his trucks were found having the same registration number affixed on it. The record further shows and indicates that truck No. MH-48-AY-1455 is originally owned by Vinod Yadav who had obtained a loan from ICICI bank. An installments of the said loan was not properly paid by the original borrower as well as the present applicant also. Therefore, a possibility can not be ruled out that, only to avoid seizure of the said trucks by the bank for non payment loan installment, the applicant has removed original number plate of truck No. MH-48-AY-1455.

13. From the say of IO, it appears that admittedly both the trucks are found having similar and same number plate owned by the applicant itself. Investigation is in progress. Whether the said act is really a mistake of the painter or else ? This aspects is a part of an investigation. At present contents in FIR and say of IO supports the allegations that the applicant has committed cheating by using the same number plate for his two trucks/vehicles.

14. Considering the nature of offence, specific allegations made against the applicant, I am of the view that the applicant has not made out a case to use discretion in his favour. In a result, this application deserves to be rejected. Hence, order.

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ABA.1855/2022

ORDER

Anticipatory Bail Application No.1855 of 2022 is rejected and disposed of accordingly.

(Order pronounced in open Court)

Date: 24.11.2022

**(N.L.KALE)
THE ADDL.SESIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI**

Order direct dictated on : 24.11.2022
Checked, corrected & Signed on : 24.11.2022

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE

Ms.Madhura M. Palav

AND TIME : 24/11/2022 at 03.25 P.M.

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri N. L. Kale (Court Room No.14)
Date of Pronouncement of Judgment/Order	24/11/2022
Judgment/Order signed by P.O. on	24/11/2022
Judgment/Order uploaded on	24/11/2022

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