

**IN THE COURT OF SESSIONS FOR GR. BOMBAY AT MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO.2821 OF 2022**

**CNR NO.MHCC02-017230-2022**

**Sagar Prakash Surve**

Age :30 years, Occ: Business.

R/o: 94/28-22, Swarna Tula

CHS, Near Y.M.C.A., Ghatkopar (East),

R.N.Marg, Pant Nagar, Ghatkopar (E),

Mumbai-400 075.

... Applicant/Accused

Versus

State of Maharashtra

(At the instance of Deonar

Police Station.)

... Respondent.

Ld. Advocate Mr. Jadhwar for applicant/accused.

Ld.APP Mr. Ramesh Siroya for the State.

**CORAM : HIS HONOUR THE ADDL.SESIONS JUDGE**

**SHRI.M.S.KULKARNI (C.R.NO.56)**

**DATED : 20<sup>th</sup> January, 2023.**

**(DICTATED AND PRONOUNCED IN OPEN COURT)**

**ORAL ORDER**

1. This is pre-arrest bail application in respect of C.R.No.716/2022 registered with Deonar Police Station for the offences punishable under Section 379 read with Section 34 of the I. P. Code.

2. The FIR was lodged by the Mr. Omprakash singh theft of Inova car bearing No. MH 03 DA 2713. As per FIR said car was purchased by his father Omprakash Singh in the year 2020 from one Wasim Kureshi resident of Chembur and owner of A to Z enterprises. In said

: 2 :

transaction also as the father of the first informant he was cheated, one more FIR against Wasim Kureshi was filed. It is further contended in FIR that original documents of the Invoa Crista car are in the possession of of father of the first informant.

3. In the investigation it is found that original documents of the Inova Crista Car noted above are in the name of co-accused Deepak Jaiswar. Investigating officer has recorded statement of co-accused who alleged that he had given said car to his one friend namely Rajesh Varma @ Sharma in the month of January, 2020. But thereafter Mr. Rajesh Varma did not return said car to him so he had already lodged FIR with Tilak Nagar Police Station against Rajesh Verma @ Sharma. Thereafter on 14.12.2022 he got knowledge from his one more friend i.e. applicant/accused that said car is parked before Universal Magistrate Building. So he asked applicant/accused to drive the said car to him by giving another key of the car to him. Accordingly applicant/accused drove said car at him.

4. No doubt if the defination of theft as given under Section 378 of the Indian Penal Code is seen, the question whether Mr. Omprakash Singh the father of the first informant or the co-accused Deepak Jaiswar was in possession of the car on 14.12.2022 will be the important. But without going into that aspect at this stage, from the reply given by IO it is clear that the co-accused Deepak Jaiswar is the original owner of said Car and he had asked the applicant/accused to drive the car to him. So his custodial interrogation is not required. So without going into the grounds as raised in application to grant bail and the grounds raised in reply by the investigating officer to object the bail, I should say that the

: 3 :

applicant/accused is entitled for anticipatory bail with following order;

**ORDER**

1. Anticipatory Bail Application No.2821 of 2022 is allowed.
2. In the event of arrest of the applicant **Sagar Prakash Surve** in Crime No. 716/22 registered with Deonar Police Station for the offences punishable under Sections 379 read with Section 34 of I.P.C., he shall be released on his executing personal recognizance for an amount of Rs.15,000/- with one or two sureties in the like amount subject to the following conditions;

a) The applicant/accused is directed to attend Deonar police station on every as and when called by the Investigating officer.

b) The applicant/accused shall co-operate Investigating officer.

c) The applicant/accused shall not tamper with the evidence or influence the witnesses.

**(M.S.Kulkarni)**  
**Addl.Sessions Judge,**  
**City Civil and Sessions Court,**  
**For Greater Bombay**

**Date : 20.01.2023.**

Dictated on : 20.01.2023.  
Typed on : 23.01.2023.  
draft checked on : 27.01.2023  
Signed on : 27.01.2023

: 4 :

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

**UPLOAD DATE AND TIME : 27.01.2023 at 1.37 p.m.  
NAME OF STENOGRAPHER : Mrs. Prajakta K. More**

<b>NAME OF THE JUDGE</b>	<b>HHJ SHRI. M. S. Kulkarni (C.R.No.56)</b>
<b>Date of Pronouncement of Order</b>	<b>20.01.2023</b>
<b>Order signed by the PO. On</b>	<b>27.01.2023</b>
<b>Order uploaded on</b>	<b>27.01.2023</b>