

MHTH230021132023



**ANTICIPATORY BAIL APPLICATION
NO. 1355/2023**

**Faisal Alom Laskar
v/s
STATE
(Waliv Police Station)**

ORDER BELOW EXHIBIT NO. 1

Read application. Say filed by IO at Exh. 10 and Say filed by Ld. APP overleaf of Exh.10. Heard Ld. Advocate Smt. Dwivendra Dubey for applicant and Ld. APP Smt. Mulla.

2] This is an application for Anticipatory bail u/s. 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by accused-applicant for releasing him in C.R. No. 1209/2022 of Waliv Police Station for the offences punishable u/secs. 406, 420 of the Indian Penal Code.

3] **The case of prosecution in brief is as under:-**

Complainant was having 5 trucks. He was having national permit of said truck. He was running the said trucks on rent. In year 2019, due to Corona Pandemic he suffered losses in his business and had to sell his two trucks MH-48-AY-9791, MH-48-BM-2221. He also entered into an agreement for selling them with applicant with respect to truck bearing No. MH-48-AY-9792 for Rs.5,00,000/- and to pay the EMI of Rs. 63,000/- each month total amounting to Rs.22,00,000/- to TATA Motors Finance Ltd. Similarly he also entered into agreement to sell in

respect to truck bearing No. MH-48-AY-2377 for consideration of Rs.7,50,000/- and to pay remaining EMI of Rs. 63,000/- per month total amount to Rs. 16,14,000/- of TATA motors finance Ltd. Applicant issued cheques of Rs.5,00,000/- and Rs.7,50,000/- and told to deposit after asking him and took possession of both the trucks. Applicant thereafter paid some EMI, but thereafter after some time failed to pay EMI. Therefore, bank asked complainant for EMI. At that time, applicant was asked by complainant for depositing cheques. But applicant postponed payment. Applicant neither paid the amount, not returned the trucks to complainant, thereby cheated him. Complainant thereafter gave report. On his report, offence was registered at CR No. 1209/2022 with Waliv Police Station

4] Perused the file. Offences levelled against applicant are u/secs. 406, 420 of the Indian Penal Code. The story of prosecution reflects that complainant wanted to recover his money or the trucks. Therefore, it was civil dispute for recovery based on the documents. Colour of the criminal offence is given. Therefore, the observations in the case of **Vijay Pal Prajapati Vs. State of UP and Rajesh Shamji Rathod Vs. State of Maharashtra in ABA 1052 of 2022 decided on 28.04.2022** squarely apply in present case. The allegations and counter allegations will be decided on merits. Considering the nature, gravity and seriousness of the offences and as custodial interrogation is not necessary, applicants deserves bail. In result, I proceed to pass following order.

:: ORDER ::

- 1] The application (Exh. 01) is allowed.
- 2] The ad-interim bail order dated 10/08/2023 is hereby confirmed.
- 3] In the event of arrest of the accused/applicant **Faisal Alom Laskar** in C.R. No. 1209/2022 of Waliv police station for the offence punishable u/secs. 406, 420 of the Indian Penal Code, they be released on anticipatory bail in sum of Rs.50,000/- each (Rupees Fifty Thousand only) with one surety in the like amount subject to conditions that :-
 - i) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation so as to dissuade from disclosing such facts to the Court or to any Police Officer.
 - ii) They shall not tamper with the evidence of prosecution in any manner.
 - iii) They shall not make contact in any manner with the informant and witnesses.
 - iv) They shall furnish their current address proof and mobile phone number while furnishing surety.
 - v) After filing of charge-sheet, they shall attend each and every date fixed by Ld. Trial Court, unless exempted.
 - vi) They shall not leave India without prior permission of Trial Court.
- 4] The prosecution/informant will be at liberty to file an application for cancellation of bail, in case, the applicants/accused violates any of the aforesaid conditions.

5] Inform Concerned Police Station accordingly.

(Order is dictated and pronounced in open Court.)

Vasai.

Date : 06/06/2026.

(C. P. Jain)
Special Judge (POCSO)
& Presiding Officer,
Fast Track Court, Vasai.