

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2369 OF 2015

Paras w/o Balchand Jadhav & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.B.Narwade, Advocate for Applicants.

Mrs. S.G.Chincholkar, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 16th JUNE, 2015

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PER COURT :

1. By the present application, applicants are seeking pre-arrest bail since they are apprehending their arrest in connection with Crime No. 75/2015 registered with Ambad police station, Dist. Jalna for the offence punishable u/s 379 read with 34 of the Indian Penal Code.

2. Heard Mr. N.B.Narwade, learned counsel for the Applicants and Mrs. S.G.Chincholkar, learned A.P.P. for Respondent - State.

3. F.I.R. is lodged on 16/04/2015 by Ravi Rathod.

As per the F.I.R., on 11/03/2015 when he was proceeding on his Motorcycle bearing No. MH-21/AC-4795 from Ambad to Rahuwadi, he met with an accident, resulting a fracture to him. He was, therefore, admitted in the hospital at Ambad. According to F.I.R., said Motorcycle was there at the spot only. F.I.R. further proceeds that on the said date in between 11.00 – 12.00 p.m. [in night], said motorcycle was taken away by the present applicants. This intimation was given to him by Dayaram Wachhu Pawar and Sanjay Shriram Rathod. Therefore, he has filed F.I.R.

4. From the F.I.R. thus it is clear that the allegations made in the F.I.R. by the first informant are based on the information given to him by Dayaram and Sanjay. Learned A.P.P. submitted that the statement of Sanjay and Dayaram are recorded. However, she has fairly stated that perusal of their statement does not proceed further except suspicion. I have also gone through the statement of Sanjay Rathod. According to the said statement, since he saw the applicants parking the motorcycle on the spot, therefore, he is of the view that his motorcycle is being stolen away by the present applicants. Statement of Dayaram which is recorded on 22/04/2015 reveals that he has suspicion against the applicants.

5. In that view of the matter, applicants have made out *prima facie* case in their favour for anticipatory bail. Further, the applicants are already granted ad-interim protection by this Court on 05/05/2015.

6. In that view of the matter, present Criminal Application is allowed. The order passed by this Court on 05/05/2015 stands confirmed.

7. Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2369.2015