

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.628 OF 2015

Sanjay Shamrao Patil	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Viresh Purwant, for the Applicant.
Mr. S.S. Pednekar, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **JUNE 10, 2015**

P.C.:

. Applicant apprehending arrest in C.R. No. 10 of 2015 registered with Kokrud police station, Sangli for the offences punishable under Sections 379 read with 34 of Indian Penal Code.

2. It is the case of the prosecution that, there is a theft of truck committed by the applicant/accused along with one Mahendra Kamble. The incident of theft had taken place on the night of 15th March, 2015. The complainant who is the owner of the truck noticed it and therefore he took search on 16th March, 2015 and gave complaint of the theft of his truck. The truck was found in the state of Karnataka at Gadag and it was seized from the co-accused Mahendra Kamble who was arrested.

3. The learned counsel for the applicant submitted that the applicant is innocent and a leader of one political party and therefore he is falsely implicated in this case out of a political rivalry. The case of the prosecution is false and improbable. Truck is already seized. Hence, his custody is not required. He submitted that as per the case of the prosecution which was presented before the learned Sessions Judge that police want to seize a rope, tadpatri, stephaney tire and jack. However, all those articles are already seized by the police and thus custody of the applicant/accused is not required. He submitted that applicant is ready to deposit Rs. 30,000/- which is overall value of these stolen articles.

4. The learned prosecutor opposed the application. He submitted that the applicant/accused is having criminal record. Two criminal cases are pending against him. He relied on the statements of witnesses namely Noor Mohamad, Ramdas More and Jakir. He submitted that all these persons have stated that applicant/accused has acted as a middlemen and he took away the truck from the custody of the complainant and tried to sale it.

5. Perused the statements of the complainant and other witnesses. The photographs are shown by the learned counsel of rope,

stephaney tire and jack however, it can not be said that whether they were seized by the police or not. That apart, the statements of the witnesses discloses that the applicant/accused had an idea of taking away the truck and selling it in Karnataka. He was very active in such transactions. He also sent photographs of the truck on whatsApp through his cell phone.

6. Considering the role of the applicant/accused and as his role *prima facie* found in the case, his custody is required to seize the other articles.

7. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)