

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.653 OF 2015

Ajay Manbodh Gupta
vs.
State of Maharashtra

... Applicant

... Respondent

Mr. Irfan Shaikh, for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 15, 2015**

P.C.:

. Application is moved for pre arrest bail in C.R. No. I-91 of 2015 registered with Kharghar police station, Navi Mumbai for the offence punishable under Section 379 read with 34 of the Indian Penal Code.

2. In this case, five M.S. Vellar (Steel) waiving 170 kg each were stolen and the total value of the same is Rs. 1,02,000/-. The said Steel was transported through one Bollero pick-up tempo bearing No. MH-43-AD-6883 valued Rs. 6 lacs. As per police report and the case of prosecution, after lodging of the first information report four ladies who are involved in the theft were arrested. Stolen goods were recovered. So also Bollero tempo which was used for transportation is also seized by the police.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is not the owner of the tempo. He is not involved in any offence. He is in the business of scrap and therefore he is falsely implicated in this case. He submitted that he is ready to abide any conditions imposed by this Court.

4. The learned prosecutor pointed out that in this case on 6th May, 2015 this Court has rejected interim relief. The learned prosecutor submitted that the applicant/accused is required to nab other three absconding accused. The applicant/accused, as per the information received by the police has given shelter to the absconding three accused. He further submitted that as on today 7 cases are pending against him at Turbhe and APMC police station.

5. Perused the first information report and police record. It shows that the material stolen is recovered along with vehicle Bollero tempo. Perused the affidavit filed by PSI. Jadhav attached to Crime Branch. It shows that as on today 9 cases (including 2 NCs) are registered against the applicant/accused. It is to be noted that police officer has given a list of the offences which are registered against the applicant/accused. On query how many cases are pending against the applicant/accused as on today, no

answer is given. On the other hand, the learned counsel for the applicant/accused has submitted that applicant is in the business of scrap material and therefore police have registered offences against him at Turbhe police station.

6. Perused the statements of the witnesses. It appears that though the stolen goods are recovered and the tempo which was involved in the offence is seized, yet the custody of the applicant/accused is required especially when it shows that he has criminal antecedents of similar nature and he is dealing in the business of scrap. It is informed by the learned prosecutor on the basis of instruction given by the police that as on today six similar cases are pending against the applicant/accused.

7. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)