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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1387 OF 2015

Pratap Ramchandra Dhahigude alias Bappa	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Kedar J. Patil, for the Applicant

Ms.S.S.Kaushik, A.P.P for the Respondent-State

API – Dinde, Uran Police Station, Navi Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th OCTOBER, 2015

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.I-95 of 2014 registered with the Uran Police Station, Navi Mumbai, for the alleged offences punishable under Sections 407, 411 r/w 34 of the Indian Penal Code.

3. It appears from the prosecution's case that from 6th May to 16th May, 2014 the accused – Akram Ansari, the driver of a container carrying aluminum scrap had misappropriated the said scrap, worth Rs.12 lacs. Pursuant to which, a complaint was lodged by the Manager of the Transport Company.

4. Learned Counsel for the Applicant submits that for the first time, the name of the applicant was disclosed in the third remand report. He submits that the Accused no.5 - Abdul Sajid in his statement disclosed that the applicant had unloaded the goods. He submits that the said statement is inadmissible in law.

5. Learned APP on the instructions of the Investigating Officer who is present in Court states that the scrap worth Rs.12 lacs was misappropriated and sold. She submits that the allegations are that Akram, the driver of the vehicle was in touch with the accused nos.1 to 3, who have been arrested. She submitted that when accused no.5 - Abdul Sajid was arrested, he disclosed that he had contacted the applicant who unloaded the scrap in the godown. She further submitted that accused no.7 – Ram

Murat, who is arrested has disclosed that some scrap was sent by the applicant to his godown at Uran, pursuant to which, Section 411 came to be added. She further submitted that a similar case has been registered as against the applicant with regard to missing/theft of Sandalwood.

6. Perused the papers. *Prima facie*, it appears that the applicant had unloaded the scrap in the godown and that some scrap was sent to the accused no.7 – Ram Murat, at his Navghar godown. The total scrap recovered so far is worth only Rs.1,89,230/-. It is therefore necessary for the police to investigate and find out where the balance scrap was sold/is unloaded/kept. It also appears that the applicant has an antecedent which is similar in nature.

7. Considering the nature of allegations, *prima facie*, this is not a fit case for granting pre-arrest bail to the applicant.

8. Hence, the Application for anticipatory bail is rejected and disposed of as such.

9. It is made clear, that the observations are prima facie, for deciding this application and if an application for regular bail is filed, the appropriate Court shall decide the said Application, if filed, on its own merits, in accordance with law, uninfluenced by the observations made in this Application.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.
