

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1760 OF 2015

Sudhir Tukaram Warkhade

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr. Girish R. Agarwal for the applicant.

Mrs. R. V. Newton, APP for the State.

Mr. P. G. Mane, PC No.833, Ranjangaon police station, Pune is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : NOVEMBER 26, 2015.

P.C.

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in C.R.No.147 of 2015 registered with MIDC, Ranjangaon Police Station, District Pune, for the offences punishable under Section 379, 264, 265, 403, 406 and 411 r/w 34 of IPC.

2. Heard Mr. Agarwal, learned Counsel for the applicant, and the learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that the applicant

was allotted tender to purchase copper wire. The applicant had visited the premises of the complainant company on 4/9/2015 with truck No. MH 05 K 8520 to lift the scrap material. As per the invoice, he has loaded scrap copper weighing 2732 kg. The records reveal that the vehicle was weighed, before loading of the copper wire as well as after loading of the copper wire weighing 2732 kg. Similarly, the applicant had visited the company premises on 6/7/2015 with the same truck for lifting scrap copper wire. Same procedure was adopted i.e. the empty truck was weighed at the time of entering the premises and thereafter as per the invoices copper wire of 1425 kg was loaded in the truck and the loaded truck was once again weighed before leaving the company premises.

4. The records reveal that on 4/10/2015 the complainant Abhay Jadhav, Material Manager of Generate Technology India Pvt. Ltd. had lodged a complaint stating that there was shortfall of 1830 kg of copper wire. Therefore a complaint was lodged against an unknown person for having committed theft of 1830 kg of copper wire. Pursuant to the said complaint C.R. No.147 of 2015 came to be registered against unknown person, for offences under Section 379, 264, 265, 403, 406 and 411 r/w 34 of IPC.

5. The investigation revealed that the truck used by the applicant in transporting the said copper wire was modified by making one concealed box in the cabin which could load about 1½ ton sand. The said concealed box had a lid beneath the cabin which could open upon pressing of a button to displace the sand from the said concealed box. It is pertinent to note that there is no prima facie material to indicate that any sand loaded in the concealed box was displaced in the company premises, before loading the copper wire. It is also to be noted that though the godown of the applicant was searched, no incriminating material was recovered. There is no prima facie material to show that the applicant was found in possession of copper wire in excess of copper wire loaded by him as per the invoice. Hence in my considered view prima facie there is no material to show the involvement of the applicant in committing the alleged offence. The nature of allegations levelled against the applicant, does not justify custodial interrogation. Furthermore, the applicant is permanent resident of Ahmednagar District and has roots in the society. There is no chance of the applicant absconding.

6. Hence, the anticipatory bail application is granted on the following terms.

i) In the event of the arrest of the applicant in C.R.No.147 of 2015 registered with MIDC, Ranjangaon Police Station, District Pune , the applicant be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned JMFC, Shirur.

ii) The applicant shall report to the Investigating Officer, initially for a period of 7 days from 10 a.m. to 1 p.m., and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicant shall not leave Ahmednagar without prior permission of JMFC till filing of the charge-sheet.

(ANUJA PRABHUDESSAI, J.)