

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1647 OF 2014

Sohan Singh Rajput	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Harshad Sathe i/b. Sachin Chandan,
Advocate for the Applicant.
Ms. A.T. Javeri, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 09, 2015

P.C.

. The learned counsel Mr. Sachin Chandan has instructed advocate Mr. Harshad Sathe to argue the matter. Mr. Harshad Sathe made submission that he will file an authority letter within one week.

2. Application for pre arrest bail in connection with C.R. No.911 of 2014 registered with Mahatma Phule Chowk police station, Kalyan for the offence punishable under Section 380 read with 34 of Indian Penal Code.

3. The offence in question was registered on 12-12-2014 upon the F.I.R. lodged by one MakkhanSing Gil, a security officer of NRC Company which is not functioning. The report reveals that Assistant Manager Mr. Wankhede of said Company has informed the first informant on 12-12-2014 that special squad of Crime Branch has caught one tempo containing goods worth Rs. 58,900/- of NRC Company. Thereon the first informant had been to the office of Crime Branch at Kalyan and identified the said goods found in the tempo of NRC Company. It also reveals that he verified about it from one Mr. Prabhatkumar, Manager Chemical and Mr. Verma, officer Electrical. The F.I.R. contains specific recital that the goods other than the said goods worth Rs. 58,900/- found in the tempo were also stolen from Company. Thereafter the crime in question was registered, is under investigation.

4. The learned counsel for the applicant urged that F.I.R. though contains the recital to

such fact, it does not contain the recital to the effect of copper goods worth Rs. 12,000/- were also sold from the said Company as contended in the further remand report. It is contended that hence apparently a false case is being made out of such goods being stolen. The submission is founded upon the contention of the fact of copper goods were also stolen is not found in the F.I.R. or in the first remand report. It is submitted that hence custodial interrogation of the applicant would not be necessary as case beyond F.I.R is now tried to be developed.

5. After careful consideration of the matters in the F.I.R, it is difficult to accept the said submission. As a matter of fact, said F.I.R. clearly mentions that beyond the goods worth Rs. 58,900/- mentioned in the F.I.R. other goods of the Company were also stolen. Merely because the details of the same were not told to the first

informant or himself having not stated in the F.I.R., does not lead to the conclusion of such goods being not stolen.

6. Admittedly the said goods are yet not recovered. Papers of investigation reveals that the name of the applicant as a receiver of stolen goods has been transpired during the investigation. The truthfulness of the said allegations is yet to be determined. So also the said goods are yet to be recovered. The custodial interrogation of the applicant for the said purpose would be necessary. The fact can not be loss sight that the said Company is not functioning.

7. Having regard to it, merely because of details of stolen goods are not found mentioned in the F.I.R. would not be a good ground for accepting the submission of case being concocted. Such conclusion is apparent after considering the sequel

of events which had lead to the registration of crime.

8. Thus, there are no merits in the prayer for pre arrest bail. It can be further added that grant of pre arrest bail may throatle the investigation at the inception stage.

Hence application stands rejected.

(P.D. KODE, J.)