

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 5188 of 2016

District : Parbhani

Sunil s/o. Puranmal Choudhari,
Age : 49 years,
Occupatioin : Business,
R/o. Kurha - Kakoda,
Taluka : Muktainagar,
District : Jalgaon.
(Authorized person for Sanyog
Jinning Factory Kurha-Kakoda). .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Gangakhed Police Station,
Gangakhed,
District : Parbhani. .. Respondent.

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Mr. M.K. Goyanka, Advocate, for the applicant.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 3RD OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No.
330/2013 for offences punishable under Sections 406,

407, 420, read with Section 34 of the Indian Penal Code, registered with Police Station, Gangakhed, District Parbhani, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Counsel for the applicant submitted that the transaction in question is a civil transaction.

4. Perused the FIR lodged by Vijaykumar s/o. Babulalji Sharma. He averred that he had entrusted 20 Tons and 206 Kg. Soyabean for transportation to the truck of Santosh Roadlines at Parli-Vaijnath. The informant averred that Ramgopal Kalantri was owner of the truck which was driven by Shaikh Salim Shaikh Farook. Goods were to be transported from Gangakhed to Maharashtra Oil & Extension Private Ltd., Haveli at Nandurbar. During the course of this journey, the truck went missing and according to the informant, Ramgopal Kalantri and Shaikh Salim had misappropriated goods entrusted to them for transportation. Averments against present applicant are to the effect that he purchased 96 Quintals of Soyabean from out of the Soyabean misappropriated by

the applicant.

5. Perused papers of investigation as well as the documents annexed to the application. Co-accused Sunil Choudhari has named the present applicant as purchaser of stolen goods. According to the applicant, goods were bona fide purchased by him from said Sunil Rathod without knowing the fact that those are stolen goods. Perusal of order granting lease of field admeasuring 3.11 Hectares of Grampanchayat Kurha, in favour of co-accused Sunil Rathod, 7/12 extract of the said field which is showing sowing of Soyabean in that field, receipt issued by the applicant to co-accused Sunil Rathod towards purchase of Soyabean as well as certificate of registration of the firm showing that the applicant is a dealer in food grains and purchase, etc. prima facie shows that the applicant had purchased goods in normal course of business.

6. In this view of the matter, liberty of the applicant needs to be protected over the interest of the investigator.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The order dated 16th September 2016, granting ad

interim anticipatory bail to the applicant, is confirmed on same terms and conditions.

(c) In addition, the applicant shall attend the concerned Police Station on 8th October 2016 and 12th October 2016 in between 11.00 a.m. and 01.00 p.m. and he should cooperate the investigator.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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