

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1615 OF 2016

Mukesh Ramkaran Sharma

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Amit A. Nalavade Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : OCTOBER 18, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 30/04/2016 crime no. 27 of 2016 registered at Nhava Sheva Police Station for offence punishable under sections 407, 468 r/w 34 of the Indian Penal Code.

2) Applicant is running a business in the name and style of M/s Attire Logistic. The head office is at Delhi. Applicant is a permanent resident of State of Gujarat. It is the case of the prosecution that on 19/04/2016, Anil Kavadi lodged a report at the police station alleging therein that he is engaged in exporting embroidery cloth M/s. V.Tex Overseas Pvt. Ltd. A Nigerian

ism

Company had placed an order for exporting 166 bundle of 150 Kg each embroidery cloth. First informant had booked a container with a ship company for exporting the said material and for fulfilling the said orders. It is alleged that on 14/04/2016, informant had hired a truck of National Containers and movers. Driver was Ghanshyam Gupta. The material to be exported was loaded in the said truck and it was expected to unload the same at Nhava Sheva . It is alleged that the goods had not reached to Nhava Sheva port and hence, F.I.R. was lodged. The name of the applicant has not reflected in the F.I.R.

3) In the course of investigation, it had transpired that present applicant was also involved in the said offence and had misappropriated the goods. It is the case of the applicant that the transporting agency had unloaded the said goods at the godown of the applicant and he had no knowledge that the said goods were meant for export or were misappropriated from the informant's company.

4) Be that as it may, there is a recovery of the stolen goods from the godown of the applicant. Applicant has been in custody for almost more than 5 months. There are no criminal antecedents. Applicant deserves to be

enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for the purpose of quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.
- (iii) Applicant shall report to Nhava Sheva police station on first Sunday of each month till the framing of charge.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)