

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1768 OF 2016

1. Dattatray @ Milind Ankush More
2. Somnath Vitthal Satav

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Subhash Gutte Advocate for Applicant.
Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 13, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 148 of 2016 registered at Vimantal police station for offence punishable under sections 379, 120 (B) & 201 of the Indian Penal Code.

2) It is the case of the prosecution that on 11/07/2016, Suresh Kolhe, driver of truck no. MH- 42-B 9858, lodged a report at the police station alleging therein that in the intervening night of 10/07/2016 and 11/07/2016, when he was in transit, he had parked the said truck in front of hotel Shivar

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Shriram Society at Pune-Ahmednagar Road. In the morning, he could not find the said truck and therefore, had lodged the report. He had also stated that there was 13 tons of dry coconut in the truck. The value of which was Rs. 9,78,000/-.

3) It appears that the truck was found in an abandoned condition at Mouje Ashta. In the course of investigation, it was revealed that present applicants are running Niko Hotel at Jamkhed which is at Nagar Road. That the contents of the said truck were unloaded in their godown. When they realized that an inquiry was being conducted, they had attempted to dispose off the said goods with the help of waiters. It also appears that statement of applicant no. 2 was recorded on 05/08/2016 and the applicant has admitted that on 28/07/2016, Govind Avasare had visited their hotel along with 3 – 4 labours. He was in the hotel for quite sometime and had left the hotel. It is also admitted that on 31/07/2016, police had visited the said hotel, but had not checked the godown of the said hotel. Needless to say that the goods were unloaded in the godown of the said hotel.

4) Papers of investigation clearly show the involvement of the present applicant and therefore, no case for pre-arrest bail is made out. Application,

being sans merits, stands rejected. Needless to say that interim relief granted by the Sessions Court vide order dated 28/09/2016 stands vacated.

(SMT. SADHANA S. JADHAV, J.)