

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2106 OF 2016

Rakesh Babulal Thakker

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant.

Mr. Rajan Salvi APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 17th NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 28/09/2016 in crime no. 211 of 2016 registered at Uran Police Station, District: Raigad for offence punishable under section 407 & 411 r/w 34 of the Indian Penal Code.

2) The learned counsel for the applicant, upon instructions submits that the investigation is completed and in all probabilities, the charge-sheet is filed.

3) It is the case of the prosecution that on 24/09/2016, one Rangnath Shinde who is running a transport company in the name and style of "Udhav

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Transport”, lodged a report at the police station alleging therein that he is the proprietor of Udhav Transport. He has four trailers. It is alleged that he had engaged one of the trailer. Resupside Industries Ltd., imported PVC powder bags from China in three containers. The complainant had given three trailers on rent for transporting the powder bags. One of the trailer was being driven by accused Ravindra for transporting it from Hind Terminal to Uran Company. It is the case of the complainant that Ravindra had committed breach of trust and in transit had sold the PVC powder. It is the case of the prosecution that present applicant is the receiver of the stolen property. It is the matter of record that applicant has no criminal antecedents.

4) The learned counsel for the applicant submits that the offence under section 411 of the Indian Penal Code is punishable up to 3 years and that the stolen goods are recovered. Hence, further incarceration would not be warranted.

5) Taking into consideration the papers of investigation and the submissions advanced across the bar, applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are *prima facie* in nature and shall not be considered for 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 the concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)