

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

2 CRIMINAL APPLICATION NO. 2110 OF 2017

RAJU S/O. SAKHARAM WADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. M.S. Karad
APP for Respondent/State : Mr. S.M. Ganachari
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CORAM : T.V. NALAWADE, J.
DATED : May 4, 2017.

ORDER :

1. The application is filed for relief of anticipatory bill. Both the sides are heard. Papers of investigation were made available to this Court for perusal.

2. The crime is registered on the basis of report given by one Sagar Utari. Present applicant was working with one channel viz. 'Shourya Marathi', which is owned and run by the complainant. As there was some dispute over the accounts, present applicant was terminated from service on 9.3.2017. The applicant was expected to submit the returns as the complainant was thinking that the accounts in respect of all amounts received by the channel was not prepared and given.

3. The incident in question took place on 18.3.2017. On

that day, the complainant and his friend Digambar Sonawane were proceeding by Indica Car and in Indica Car, there was camera of Panasonic company of worth Rs. 1.15 lakh. At the gate of campus of channel, when Pradeep Utari requested to stop the vehicle, the vehicle was stopped and after that complainant and his friend went towards Pradeep Utari to have a talk. When they returned back, they noticed that the video camera was not present in the vehicle. They had suspicion against the present applicant and Pradeep Utari also informed that he had seen the present applicant taking out bag from the car. As the applicant was employed with the complainant in the past, they thought that he would return the camera, but he would not returned the camera and so, the F.I.R. was given on 20.3.2017. Papers of investigation containing statement of Pradeep Utari shows that he had seen the present applicant taking out the bag containing camera. There is bill of purchasing camera showing that it was purchased on 7.11.2016. Thus, there is record and there is material to show that the camera is with the applicant.

4. The learned counsel for the applicant submitted that only to pressurise the applicant, false report is given against the applicant. He has produced transcript of two so called

conversations which took place between the present applicant and informant. He submitted that during those conversations and even in the conversation dated 20.3.2017, there was no mention of the stolen camera and this circumstance is sufficient to infer that the camera was never stolen. No reason is given as to why the conversations were recorded, if there was some dispute and as to why the present applicant had called the complainant. As there is sufficient material, the defence of the present applicant cannot be considered at this stage. The camera which is stolen property needs to be recovered. This Court holds that anticipatory bail cannot be granted to the applicant. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

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