

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

CRIMINAL APPLICATION NO. 2818 OF 2017

Shaikh Faimoddin s/o
Sk.Fayazoddin ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....

Mr. S.J.Salunke, advocate for the applicant
Mr. K.N.Lokhande, A.P.P for respondent
.....

CORAM : K.L.WADANE, J.
DATED : 19th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant
and the learned A.P.P. for respondent.

2. This is an application filed by the
applicant under the provisions of Section 438 of
the Criminal Procedure Code in connection with
Crime No. 133 of 2017, registered with Majalgaon
City police station for the offence punishable
under Section 381 of the Indian Penal Code.

3. One Mr. Vivekanand Panditrao Dhongade
lodged complaint with police station Majalgaon
stating that on 12.5.2017 at about 11.00 p.m. he

opened all compartments of the Government godown and counted rice bags, on which he noticed that 49 bags were less. After inquiry, one of the coolie namely Ramesh Haribhau Gonge gave statement that on last Sunday i.e. on 7.5.2017 the applicant called Ramesh Gonge to open the lock of godown by duplicate key and thereafter 49 rice bags were taken away. On perusal of statement of Ramesh Gonge it appears that present applicant has opened the lock of the godown and 49 bags were taken in the vehicle of one Fayomuddin Shaikh. Hence, role of applicant is very much clear. Therefore, the applicant is not entitled for anticipatory bail.

4. The Criminal Application is rejected.

(K.L.WADANE, J.)

dbm/crap2818.17