

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.513 OF 2017

Vishal Baburao Ghaste

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Nikhil Pawar for the Applicant

Mr.S.S. Hulke , APP, for Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 23, 2017**

P.C. :

1. The applicant/accused apprehends arrest in C.R. No.56 of 2017 registered with Sangola police station, Solapur Rural, on 23.1.2016 for the offences punishable under section 379 of the Indian Penal Code. It is the case of the prosecution that on 23.1.2016, one Balekhan Rubab Atar gave information to the police that his pick-up van bearing No.MH-45-T-1770 was stolen on the night intervening between 17.1.2016 and 18.1.2016. Thereafter, he tried to find out the jeep, however, he did not get it.
2. So, he gave information to the police on 23.1.2016. The learned Counsel for the applicant/accused submitted that there is

delay in filing FIR. There is no evidence against the applicant/accused. The applicant/accused is innocent. Further, the applicant's name is not mentioned in the FIR. He further submits that the jeep is recovered by the police and, therefore, his custodial interrogation is not required.

3. Learned Prosecutor has opposed the application and submits that his custody is required as some portions of the dismantled jeep are found. He submitted that there are two cases registered under section 379 of the Indian Penal Code.

4. Perused FIR. Considered the submissions on behalf of both sides. It is a case of theft. The property is yet to be recovered. It is informed that the jeep is not recovered but some parts of the dismantled jeep are recovered. In my view, therefore, custody of the applicant/accused is necessary.

5. Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)