

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.767 OF 2017

Bhabhoot Singh Maheccha

Applicant

versus

The State of Maharashtra

Respondent

Mr.Hrishikesh Mundargi i/by J.J.Bardeskar for Applicant.

Smt.Veera Shinde, APP, for State.

Mr.Pramod Kadam, PSI, L.T.Marg Police Station, present.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th June 2017

PC :

1. This is an application for anticipatory bail in connection with CR No.132 of 2015 registered with L.T.Marg Police Station, Mumbai for offences punishable under Sections 420, 408 and 34 of Indian Penal Code.

2. It is the prosecution case that the complainant was cheated of gold ornaments. Initially a complaint was lodged which resulted in 'A' summary as the accused were not traceable. However, the complainant got information about accused no.1 and the information was provided to Police. In the light of said information, the police proceeded to Rajasthan. It was further revealed that the person who has committed the offence was murdered. However, the Applicant was not concerned with the said crime.

3. It is the prosecution case that the Applicant is the receiver of stolen property and hence Section 411 of the IPC has been invoked against him. The advocate for Applicant submitted that he is not concerned with the said crime. His name was not referred to in the remand application dated 8th November 2016 and 22nd November 2016. However, in the third remand application, there is reference of the name of Applicant. The prosecution case is that on the statement of arrested accused, the Applicant's name has been shown as receiver of stolen property.

4. Learned advocate for the Applicant states that he has co-operated in the investigation. He has handed over CCTV footage which shows that the co-accused had never visited the premises of Applicant. He further stated that other persons who are allegedly said to be receiver of stolen property, have been arrested and granted regular bail.

5. Learned APP submitted that the Applicant is involved on the basis of statement of co-accused during the course of investigation. The investigation is still going on. It is further submitted that so far there is no recovery from the Applicant.

6. In view of the fact that the Applicant has co-operated with the investigation and also considering the nature of allegation against the Applicant, I am inclined to allow this application. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed;
- (ii) Interim order dated 28th April 2017 is hereby confirmed;
- (iii) The Applicant is directed to report L.T.Marg Police Station once in a week on every Saturday between 10.00 a.m. and 12.00 p.m. till filing of charge sheet and thereafter once in a month on every first Saturday between 10.00 a.m. and 12.00 p.m;
- (iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST