

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1354 OF 2017**

Siraj Ahmed Yakub Choudhary

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Imran Shaikh for the applicant.

Mr. Deepak Thakare, APP for the respondent-State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 23 JUNE 2017**

P.C. :

1. This is an application for bail in with connection with C.R. No.62 of 2016 registered with Sewree Police Station, Mumbai for offences punishable under sections 379, 461, 285 of IPC and section 15(2) of Petroleum and Minerals Pipelines Act,1962.

2. The case of the prosecution is that on 7 July, 2016, PSI attached to Sewere Police Station received information from the complainant- Senior Operation Officer of HPCL Company that in the open ground belonging to Mumbai Port Trust on Haji Bandar Road some persons were stealing oil by putting a hole to the pipe line and thereby committed theft of oil. He went to the spot and found that pipe line belonging to HPCL company was damaged after taking up to 1 & 1/2 meter and it was found that one iron clamp was attached

to it and also along with one valve.

3. Therefore the police searched nearby area and found thirty empty plastic Cans having capacity of 35 litter under the Banyan tree and 15 meters long green color pipe. Police seized the material by recording panchanama. The FIR was registered. Thereafter, applicant was arrested on 19 July, 2016 and since then he is in custody. The investigation is complete and chargesheet has been filed.

4. Learned advocate for the applicant submits that the applicant can be at the most considered to be a receiver of the stolen property. He placed reliance upon the panchanama of recovery of oil. He submitted that he has not played any role in committing theft of oil. Main role is attributed to the other accused. He submitted that there are no criminal antecedents against the applicant.

5. Learned APP submitted that the applicant was a party to the commission of crime. There is recovery of oil at the instance of the applicant. The offence is serious in nature. He submitted that the offence was also committed under section 15 read with section 2 of Petroleum and Minerals Pipelines Act, 1962

6. After going through the investigating papers and the chargesheet, it can be seen that the role i.e. attributed to the applicant is apparently receiver of the stolen property. The applicant is in custody almost for a period of one year and the chargesheet has been filed. There are no criminal antecedents against the applicant. In the aforesaid circumstances, the applicant can be released on bail.

7. Hence, I pass the following order;

:: ORDER ::

- (i) The applicant is directed to be released on bail in with connection with C.R. No.62 of 2016 registered with Sewree Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount
- (ii) The applicant is directed to report Sewree Police Station, Mumbai once in a fortnight between 11.00 am to 1.00 pm till further orders.
- (iii) Application stands disposed of.

[PRAKASH D. NAIK, J.]