

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1129 OF 2017

Ganesh Ithape @ Firoz Ramzan Shaikh Applicant

VERSUS

The State of Maharashtra Respondent

Mr. Vijay Hiremath for the Applicant.

Mr. Deepak Thakare, A.P.P. for the State.

CORAM : T.V.NALAWADE, J.

DATE : 7th AUGUST, 2017

P.C.

The application is filed for relief of anticipatory bill in C.R.No.12 of 2016 registered in Upnagar Police Station, Nashik for offences punishable under sections 420, 34 etc. of the Indian Penal Code. Both the sides are heard. The papers of investigation were made available to this court for perusal.

2. In the aforesaid crime, the charge-sheet is already filed and the present applicant is shown as absconding so this circumstance needs to be kept in mind in the present matter. There is also circumstance that the stolen property is not recovered.

3. The crime was registered on the basis of the report given by Mr. Balrajsingh A. Pawar. He was deceived in a peculiar manner by accused persons who are 11 in number. It was represented to him that the one of the accused was scientist working in England and he was having material which was used in satellite. It was represented that it will be the good investment if the material is purchased and

sold at higher price. Some material was shown to the first informant by these persons. Between 1st and 15th July of 2015, the present applicant was introduced as the person with whom such material was available. Due to the representation, some amount was given directly on 5th August, 2015 to the present applicant and one more accused. Prior to that the amount of Rs.20,00,000/- was collected by other three accused. Then an amount of Rs.50,00,000/- was to be given for getting the custody of the material. On 15th August, 2015 the accused persons called the informant, his relatives including the wife to one hotel for showing him the article. The present applicant came there in his vehicle and showed the articles weighing around 700 grams. This article was handed over by the present applicant and then the complainant handed over the amount of Rs.50,00,000/- to the present applicant. To convince the first informant about the genuineness, some calls were made to the first informant to ask whether he was ready to sell the material at the price which can be two times or three times more the amount invested by him.

4. The complainant then tried to contact some of the accused persons but found that their phones were switched off and they could not be contacted. He approached the police and gave report.

5. The aforesaid allegations made by the first informant and similar statements of other witnesses show the active involvement of the present applicant in the present crime. His absconding is one more circumstance against him. The stolen property needs to be recovered. Due to these circumstances, this court holds that the discretionary relief cannot be granted in his favour. The present application is rejected.

(T.V.NALAWADE, J.)