

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1941 OF 2017

Sudip Dipak Pol .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. G. K. Jadhav, Advocate, for the Applicant
Mr. V. Chate, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 23.11.2017

P.C.

. By an Order dated 09.11.2017, the Applicant was granted interim relief and was directed to attend the investigating officer on stipulated dates, to join the process of investigation.

2. The learned APP on instructions submitted that though the Applicant attended the investigating officer on stipulated dates, he did not co-operate in the process of investigation and recovery of the alleged stolen articles could not be effected at his instance.

3. Perused the record of investigation.

The first information report is lodged by Shri Sushant G. Bhosale stating that, he is an employee of Tops Group Logistics Pvt. Ltd. as a delivery boy for Khandala taluka. A courier parcel of the said

company used to be delivered near the house of Narayan D. Dhamal of village Pargaon in the early morning and he used to take its delivery at 9.00 a.m. from the said house. That on 23.09.2017 when he had been to the said house to collect the delivery of said parcel, wife of Narayan Dhamal informed him that at about 8.30 a.m. one unknown person came on a motor cycle and informed her that he is friend of the first informant and that the first informant has directed him to collect the said parcel. The said unknown person collected the said parcel. The first informant, therefore, realized that somebody has committed theft of the said parcel with valuable articles therein. It is stated that the informant alongwith his friends tried to take search of the said parcel and during their search, he got suspicion about the Applicant and two other accused persons. In the premise, the first information report is lodged.

4. The record of investigation reveals that the said two accused persons are juvenile and during their interrogation, they have revealed the name of Applicant as the person who collected the parcel. As noted earlier, the Applicant has not co-operated with the investigating agency for recovery of the said articles and has not complied with the Order dated 09.11.2017. The custody of the Applicant is necessary for recovery of the stolen articles.

5. Taking into consideration the serious allegations against the

Applicant and gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

6. Accordingly, the Application is rejected.

(A.S.GADKARI, J.)