

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2031 OF 2017

ARMAN ASLAM KHAN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Sunny Singh, Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent – State.

Mr.Ashok M. Badhe, Police Inspector, Vinoba Bhave Nagar Police Station, present in the court.

CORAM : A. M. BADAR, J.

DATE : 24th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.144 of 2016, registered with V.B.Nagar Police Station, for offences punishable under Sections 379, 285 and 427 of the Indian Penal Code as well as under Section 15 of the Petroleum and Minerals Act, 2000, by this application, is seeking his pre-arrest bail, in the event of his arrest.

2 Heard the learned advocate appearing for the applicant/accused. He argued that accused no.1 is alleged to have tampered the underground pipeline and accused no.2 is alleged to have carried the stolen fuel. The role attributed to accused no.3 is that of selling the fuel stolen by accused persons. He argued that except accused no.1, other accused persons are released on bail. The learned advocate further argued that the applicant/accused is falsely implicated in the crime in question only on the basis of statement of co-accused Mohd. Mistry alias Sohail.

3 The learned APP opposed the application by pointing out statement of Hanifa Shaikh and submitted that the applicant/accused was in the business of selling some oil.

4 I have carefully considered the rival submissions and and also perused the material placed on record.

5 The crime in question is registered on the basis of report of Deputy Manager of the Petroleum Company named

BPCL. It is averred by the First Informant that aviation fuel is being supplied by the petroleum company to the airport through underground pipelines. The First Informant averred that upon receiving intimation of theft of aviation fuel, he along with his co-employees inspected the spot near the Airport Authority of India premises. The First Informant found that a hole was made to the 10 inches diameter iron pipeline carrying aviation fuel and by tapping it, another pipe was attached to it, for committing theft of aviation fuel. The investigation resulted in arrest of accused persons. Statement of witness Hanifa shows that the present applicant/accused used to come to her house and he as well as the co-accused were dealing in oil.

6 The offence alleged is serious and requires thorough investigation. Apart from financial implication, safety issue of the society is concerned. Aviation fuel is highly inflammable and by tampering the pipeline, carrying that inflammable material, the same was found to be stolen.

7 Considering the nature of offence and the interest of the Investigator, no case for pre-arrest bail is made out. Hence the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)