

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

ANTICIPATORY BAIL APPLICATION NO.2125 OF 2016

Harisingh Dhoop Tanwar ... Applicant

Vs.

The State of Maharashtra .. Respondent

Ms.Aditee Dongrawat for the Applicant
Mr.Vinod Chate, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 13, 2017

P.C. :

1. This application is moved for pre-arrest bail. The applicant/accused is facing charges under sections 408 r/w 34 of the Indian Penal Code. The offence is registered at C.R. No.282 of 2016 with Faraskhana police station, Dist. Pune. It is the case of the prosecution that one Indarmal Shankarlal Gandhi, a jeweller gave information to the police on 9.11.2016 that the applicant/accused alongwith the co-accused have stolen silver articles from time to time. Initially, the co-accused Puran Singh Dewal told the complainant that he wanted to go to his native place in July, 2016 and went away, however, did not return. Thereafter

the applicant/accused Harisingh informed that he want to go to his native place for Dussera and Diwali in October, 2016. Thereafter, the co-accused Mahendra Sutar took leave to go to Ahmedabad on account of his brother's sickness. These persons, however did not return and therefore, the complainant suspected about their leave and he started enquiry and he received information that the brother of co-accused Mahendra Sutar was arrested with silver and so he went to Ahmedabad; enquired with the sister of Mahendra and somehow he could contact Mahendra, who on enquiry, confessed that he alongwith Puransingh and Harisingh gradually stole different silver articles weighing upto 25 to 30 kgs. and he promised that he would return those articles. However, Mahendra did not return and so finally, he gave complaint to the police and hence, this Anticipatory Bail Application.

2. The learned Counsel for the applicant/accused submitted that there is not evidence against the applicant/accused except the statement made by the applicant/accused. The applicant/accused is innocent. She submitted that if the silver articles were approximately 25 to 30 kgs., the complainant ought to have noticed. The complaint against the applicant/accused is false. The

applicant left the job and the complainant wanted his services and therefore, he is being falsely implicated.

3. Learned Prosecutor has opposed the Bail Application. He submitted that other two accused Mahendra Sutar and Puran Singh were arrested by the police and granted regular bail. He submitted that the police have recovered 10 kg of silver articles from Puran Singh and his custody is required.

4. This is a case of theft and criminal breach of trust where 25 to 30 kgs. of silver of the complainant was taken away by the applicant/accused and the co-accused. Hence, custodial interrogation in such cases is required. Accordingly, the Anticipatory Bail Application is rejected

(MRIDULA BHATKAR, J.)