

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

ANTICIPATORY BAIL APPLICATION NO.2171 OF 2016

Shailesh Raghunath Konde Applicant

versus

The State of Maharashtra ... Respondent

Mr.Rupesh A. Zade, Advocate for the Applicant.

Mr.S.S. Pednekar, APP for the Respondent.

CORAM : MRS. MRIDULA R. BHATKAR, J.

DATE : 20th JANUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail. The applicant/accused is prosecuted for the offence of theft under section 379 of IPC in C.R.No.626/16, at Daund Police Station, Pune Rural.

2. One Prakash Kernath Kamble, who is working as a Talathi found one Truck bearing No.MH-12-FZ-3630 loaded with sand, standing at Mauje Vetwadi, Taluka – Daund, District – Pune. The complainant enquired about the license and permit or royalty

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about the transportation and excavation of the sand with the driver, who disclosed his name as Shailesh Raghunath Konde i.e. the applicant/accused. At that time, he told that he did not have such permit or royalty and thereafter he took away truck alongwith the sand. The complainant thereafter gave complaint against the applicant/accused for theft of sand.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is falsely involved in this case and he be granted pre-arrest bail.

4. The learned prosecutor opposed the application. He submitted that the custody of applicant/accused is required for the recovery of Muddemal.

5. On perusal of the FIR, I am of the view that police require custody to interrogate the applicant/accused, in order to recover Muddemal. Hence rejected.

(MRS. MRIDULA R. BHATKAR, J.)