

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 2637 OF 2016

Pintu Suresh Bind	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Ms. Roshni J. Singh , Advocate for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **1st February, 2017.**

P.C.:

This Application is moved for bail by the applicants/accused, as he is facing charges under sections 407, 411 r/w. 34 of the Indian Penal Code in C.R. No. I-211/2016 registered with Uran Police Station, New Mumbai at the instance of Raghunath Balaji Shinde on 24th September, 2016

2. It is the case of the prosecution that the complainant is in the business of transport. He appointed one Ravindra Bind/accused No. 1 as driver on one of his trailer. On 24th September, 2016 he sent his trailer along with his driver Ravindra Bind to one company at Boisar to transport material with PVC powder. The powder was loaded on the trailer and container. Thereafter driver Ravindra Bind did not take that trailer and container to Boisar where he was supposed to reach. The complainant thereafter tried to contact his driver, however, the phone was switched off, so he could not contact him. He tried to trace the trailer, container and the

driver but as it was not possible for him so he contacted the police and gave complaint that his trailer along with the container loaded with PVC powder were taken away by the driver/accused No. 1. The value of the vehicle and goods was Rs.35,93,835/-. Thereafter the applicant/accused was arrested on 28th September, 2016. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is a student and he has to appear for the B.A. Final Year examination. She further submitted that the applicant/accused has no criminal antecedents. He has not committed any offence of criminal breach of trust and has not received any property. She submitted that the entire property was recovered from the co-accused and the applicant/accused has not played any role in the entire offence. She submitted that the applicant/accused wants to appear for the examination which is going to commence from 15th February, 2017 at Shahganj Taluka, District Jaunpur in Uttar Pradesh.

4. Learned APP opposed the Application. He submitted that the applicant/accused is not resident of Maharashtra and he is likely to abscond if at all he is released on bail and will not be available for trial.

5. Perused the FIR and the papers. *Prima facie* it appears that there is

no such evidence against the applicant/accused except the statement of co-accused to keep the applicant behind the bar. Hence, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.25,000/- with one or two sureties in the like amount from Mumbai or Thane or Raigad district;
- (iii) The applicant shall not contact or pressurize the complainant.
- (iv) The applicant shall attend all the Court dates without fail. The prosecution to keep track of the attendance of this applicant/accused.
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)