

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 679 OF 2018

Mahesh Rampyare Mishra & Ors.

....Applicants.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Ms. Shreya Srivastawa for the Applicants.

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

Mr. Kamble, PSI Kasturba Marg Police Station.

CORAM : A. S. GADKARI, J.

DATE : 8th JUNE, 2018.

P.C.:-

By an order dated 18th April, 2018, the Applicants were granted interim relief.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the record of investigation.

3 It is the prosecution case in brief that, the principal accused namely Ganesh Kakade was employed as a Driver on a Government vehicle, which was allotted to the Assistant Conservator of Forest for its official use. That, the fuel in the said car was being filled up by use of HPCL Company's Petro Card. That, the principal accused Ganesh Kakade used to swipe the said Petro card at the petrol pump and instead of filling the fuel in the vehicle, used to collect cash

from the employees of the petrol pump. The co-accused Ashok Shukla is the concern employee of the said Petrol Pump, who along with Vilas Mhaskar was having hand-in-gloves and allowed Ganesh Kakade to commit the said crime.

The Applicants are the other employees of the said petrol pump. Their names were revealed by the principal accused Ganesh Kakade, during the course of his custodial interrogation.

4 After perusing the record, it *prima facie* appears that, the present Applicants were not aware of the crime which was being committed by Ganesh Kakade, Ashok Shukla and Vilas Mhaskar and it appears that, they were bonafide performing their duties as employees of the concerned petrol pump. The record indicates that, the Applicants have co-operated with the process of investigation. In view thereof, the Applicants are entitled to be protected by pre-arrest bail.

5 In view of the above, the interim relief granted on 18th April, 2018, is hereby confirmed. However the condition to attend the investigating officer is waived.

6 The Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)