

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1989 OF 2018

Rajkumar Mahabali Chauhan ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Ms.Sushama T. Mishra, Advocate for the Applicant.

Mr.M.G.Patil, APP for the Respondent/State.

Mr.Ravindra S. Avhad, PSI, Ganeshpuri Police Station is present in person.

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CORAM : PRAKASH D. NAIK J.

DATED : 19th DECEMBER 2018.

P.C. :

1 This is an application for bail in Crime in 37 of 2017 registered with Ganeshpuri Police Station for the offences punishable under Sections 380, 411 and 457 read with Section 34 of the Indian Penal Code. The applicant was arrested on 27th March 2017.

2 The case of the prosecution is that the complainant is a shop-keeper and is running his business in the name and style of 'Famous Tyres' situated at Vasai Phata. On 3rd February 2017, the

complainant went to open the said shop and it was found that the lock of the shutter was broken. The complainant entered in the said shop and found that tyres and batteries of the vehicle kept in the shop were stolen. The FIR was lodged on 3rd February 2017. the applicant was arrested. He was shown to have been involved with other accused in the crime which was registered against the unknown persons. On completion of investigation, charge-sheet has been filed.

3 The learned Counsel for the applicant submitted that there is no evidence against the applicant to show his involvement in the crime. The applicant is charged with the offence punishable under Section 411 of the Indian Penal Code for receiving stolen property. Other accused involved in the crime are also arrested. Except statement of the co-accused, there is no evidence against the applicant. There is no recovery at the instance of the applicant.

4 The learned Additional Public Prosecutor submitted that during the course of investigation, on the basis of statement of co-accused the involvement of applicant was disclosed. The applicant is involved in three other similar cases. Two witnesses are examined. It is submitted that the application be rejected.

5 The learned Counsel for the applicant submitted that the last witness is examined in July 2018 and some of the accused

being involved in the cases registered with different police stations and in view of that they are not produced by the trial Court in any case which are resulting in delaying the procedure. The applicant was arrested in other cases which were lodged against unknown persons. It is further submitted that the applicant may not be further detained in custody.

6 On perusal of the evidence on record, it is apparent that the applicant is involved on the basis of statement of co-accused. However, the statement of co-accused did not lead to recovery of any articles at the instance of the applicant. There is no recovery of article from the applicant in this case and other cases which are registered against him. The other cases were registered against unknown persons and after the arrest of the applicant in Crime No.I-37 of 2017, he was shown to have been involved in the cases as a receiver of stolen property. The prosecution has so far examined two witnesses. Considering the circumstances, it is not clear as to when the trial would come to an end. In the light of nature of allegations against the applicant further detention of the applicant/accused is not warranted. Case for grant of bail is made out. Hence, the Order :

ORDER

- (i) Bail Application No.1989 of 2018 is allowed and disposed of;

- (ii) The applicant is directed to be released on bail in connection with Crime No. 37 of 2017 registered with Ganeshpuri Police Station for the offences punishable under Sections 380, 411, 457 read with Section 34 of the Indian Penal Code which is subject matter of Regular Criminal Case No.619 of 2017 pending in the Court of Judicial Magistrate First Class, Bhivandi, District Thane on furnishing PR Bond of Rs.25,000/- and on furnishing one or more sureties in the like amount ;
- (iii) The applicant shall report the concerned Police Station once in month on every first Friday of each month between 11.00 a.m. and 1.00 p.m. till further Orders;
- (iv) The applicant shall not tamper with the evidence and shall attend trial Court proceedings regularly, unless exempted by the Court for some reason;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of four weeks.
- (vi) The application is disposed of accordingly.

(PRAKASH D. NAIK J.)