

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1689 OF 2018

Pankaj D. Varhadi

...Applicant

V/s.

State of Maharashtra

....Respondent

* * * * *

Mr. Uday B. Nighot, Advocate for the applicant.

Ms. P.P. Shinde, APP for the respondent-State.

Mr. S.S. Fad, Alephata Police Station present.

Coram : Sandeep K. Shinde, J.

Friday, 21st December, 2018.

P.C. :

1. Apprehending arrest in Crime No. 136 of 2018 registered with Alephata Police Station, Pune on 22nd May, 2018 for the offences punishable under Sections 392, 353, 504 read with Section 34 of the Indian Penal Code, this application is filed.

2. The applicants seek pre-arrest bail.

3. Heard learned Counsel for the applicant and

learned APP for the State. The Investigation Officer is also present.

3. The complainant is the Talathi who reported that, while on patrolling duty on 21st May, 2018 one truck bearing No. MH-14-5946 was accosted loaded with sand (minor mineral). The truck driver, however, could not produce any royalty receipts or documents to establish his ownership over the sand. It is revealed from the record of the RTO that applicant is the owner of the said truck and hence accused in the subject C.R.

4. The learned Counsel appearing for the applicant submitted that vide agreement dated 21st December, 2017 applicant sold the said truck to one Dilip Chande. He further submitted that since the truck was hypothecated to credit society, it could not be transferred in view of the lien and therefore the name of the applicant is shown as a owner of the truck in the records of the RTO. He further submits that, accused no.2, Dilip Chande to whom he has sold the truck is released on bail by the trial Court. That even otherwise, the truck and the sand has been released by the learned Magistrate at the instance of the applicant. I

have perused the application filed by the applicant for return of the property in which he has disclosed that, he has sold the vehicle to Dilip Chande.

5. Thus, taking into consideration the facts of the case as aforesaid, I pass the following order :

(i) the Application is allowed. In the event of the arrest of the applicant in Crime No. 136 of 2018 registered with Alephata Police Station, Pune on 22nd May, 2018 for the offences punishable under Sections 392, 353, 504 read with Section 34 of the Indian Penal Code, he is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper with the prosecution witness and co-operate with the investigation;

(iii) The applicant shall report to the Investigation Officer as and when called by him;

(SANDEEP K. SHINDE, J)