

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2757 OF 2018**

Mr. Shiv Kumar @
Bantu Bans Bahadur Singh ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Kedar Patil for the Applicant.
Mr. J.S.Lohokare, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 19, 2018.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who has been arrested in C.R. No. I-86 of 2018 registered at Nhava Sheva Police Station, Navi Mumbai for offences under Section 407, 411 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Patil, the learned Counsel for the applicant and Ms. Lohokare, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by Milind Saradbhai Adhararya, Manager of Atul Limited Company. A perusal of the FIR prima facie reveals that the company had engaged 10 containers for carrying Para Anisic Aldehyde chemical from the company premises at Ankleshwar to China, through Nhava Sheva JNPT. The complainant company received the said Chemical at China. They sent e-mail to the company office at Ankleshwar stating that there was shortage of chemical weighing about 3690 metric tons, value of which is about Rs.17,69,700/- . Based on the said FIR the aforesaid crime came to be registered . In the course of investigation, the drivers of said trailers were arrested. The investigation revealed that the applicant herein was one of the receivers of the stolen chemical. He was therefore arrested for committing offence under Section 411 of IPC.

4. The records reveal that the drivers who were involved in cheating/ mis-appropriating the said chemical have already been

released on bail. The offence under Section 411 IPC for which the applicant has been arrested is punishable for a maximum period of imprisonment of three years. The applicant was arrested on 15th September, 2018 and is presently in judicial custody. He has been interrogated. The nature of the allegations leveled against the application would not justify further custody, hence in my considered view, the applicant is also entitled to be released on bail. Under the circumstances, the application is allowed on the following terms and conditions:

- (i) The applicant abovenamed who has been arrested in C.R. No. I-86 of 2018 registered at Nhava Sheva Police Station, Navi Mumbai, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two local solvent sureties in the like amount;
- (ii) The applicant shall report to the concerned police station on the first Monday of every month until further orders;
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer

and in the bail bond;

(iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)