

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 627 OF 2019**

Malukar Dagadu Kale

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Vaibhav Karnik for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

Mr. S.B. Mahajan, Police Constable, Manor Police Station, Palghar

CORAM : A. S. GADKARI, J.**DATE : 13th MARCH, 2019.****P.C.:-**

The Applicant is apprehending arrest in CR No. 0162 of 2018 dated 13th October, 2018, registered with Manor Police Station, District Palghar under Section 379 r/w Section 34 of the Indian Penal Code

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

3 It is the case of the prosecution that on 13th October 2018 at about 5.05 p.m. the police from Manor Police Station, District Palghar accosted 3 motor-trucks which crossed the boarder of Gujarat State and entered into the jurisdiction of Maharashtra State. The said trucks were loaded with sand which according to the prosecution was

being illegally transported in the State of Maharashtra from the State of Gujarat.

The Applicant is the owner of the Truck number MH-04 GR-8258 and the said truck was loaded with 300 gunny bags of sand valued approximately to the tune of Rs.10,000/-. The record indicates that, the said trucks were being driven by their respective drivers.

4 It is the case of the Applicant that, he is in the business of transportation and had deputed the said truck to the State of Gujarat by accepting rent from the customer for the delivery of consignment and while in the return journey the said truck was to come empty. However, the driver of the said truck by accepting certain amount from unknown persons, loaded it with sand and came within the jurisdiction of Manor police station. The Applicant claims that he had no knowledge about the said transaction independently entered into between the consignor of the said sand and the driver of the truck.

5 It further appears from the record that, the truck in question has already been given in the custody of the Applicant after execution of "*Supurtanama*" by the learned Judicial Magistrate, First Class, Palghar.

6 In view of the above, this Court is of the opinion that the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and the Applicant can be protected by the pre-arrest bail.

7 Hence, the following order-

- a) In the event of arrest in CR No. 0162 of 2018 dated 13th October, 2018, registered with Manor Police Station, District Palghar, the Applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After release from Jail, the Applicant shall attend the Investigating Officer on 19th and 20th March, 2019 between 11.00 a.m. and 2.00 p.m. and to join the process of investigation.
- c) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

8 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)