

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.762 OF 2019

Himmat Sadashiv Jogdand	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Milind A. Ingole, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PC Mr.Gorakh Shinde, Shirur Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 04th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.118/19 registered with Shirur Police Station, Pune, under section 381 of the Indian Penal Code.

2. The FIR in this case is lodged by one Abhaykumar Popatlal Chordiya on 25/02/2019. It is his case in the FIR that, on 13/02/2019, his driver Prasad Ravindra Lachake had taken Rs.1,89,300/- from M/s Mahavir Trading Company and had kept it in the locker of Tempo No.MH-12-LT-8161. The said

driver came to the shop of the first informant and gave him key of the tempo, informing him that the amount was in the locker in the tempo.

3. On the next day i.e. on 14/02/2019 the present Applicant who was another driver working with the first informant took away tempo for transportation. The first informant called the Applicant telephonically and asked him to hand over that amount to the first informant. However, the Applicant told him that there was no such amount in the locker. Therefore the FIR was lodged. Interestingly, the FIR was lodged on 25/02/2019.

4. Heard learned Counsel Mr.Milind A. Ingole for the Applicant and learned APP Ms.S.S. Kaushik for the State.

5. Learned Counsel for the Applicant submitted that there is unexplained delay in lodging the FIR. The Applicant is falsely implicated. There is no evidence to show that the amount was

actually in the tempo when the tempo was given to the Applicant.

6. Learned APP submitted that the amount is stolen and the present Applicant was driving the said Tempo from which the amount was stolen. Therefore he is a logical suspect.
7. Considering the story in the FIR, it is clear that on the previous day another driver Prasad Lachake had obtained that amount and had kept it in the locker of the tempo. He had handed over keys to the informant. The first informant does not say that he himself had seen the amount in the locker inside the tempo. On the next day, the Applicant was not told that there was such amount in the locker when he took away the tempo. Thus, there is a possibility that even the first driver may not be telling the truth. At this stage, it is difficult to find out who is telling truth. But if the Applicant is innocent, it will not be just and proper to allow the Investigating Officer to take his custody. Instead of that, the Applicant can be directed to attend the

police station and to cooperate with the investigation extensively.

8. In this view of the matter, the Applicant has made out a case of protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.118/19 registered with Shirur Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend Shirur Police Station from 16/07/2019 to 19/07/2019 between 03.00 to 05.00 p.m. and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)