

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

CRIMINAL BAIL APPLICATION NO. 2366 OF 2019

Gopal Narayan Brahmanpal

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sudeep Pasbola a/w. Sana Raees khan, Advocate for the Applicant.
Mr. S.V. Gavand, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 03rd SEPTEMBER, 2019.

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 169 of 2019 registered with the Narpoli Police Station, Thane for the alleged offences punishable under Sections 379, 120-B, 411 r/w 34 of the Indian Penal Code and Section 15(4) of the Petroleum and Minerals Act.

3 Perused the papers. According to the complainant – Prasanjit Jaidev Ramteke, Manager of the Bharat Petroleum Corporation Limited (“BPCL”) at Chembur, Mumbai, between the period from 13.03.2019 to 16.03.2019 and on 21.03.2019 some unknown person committed theft of

70,000 liters of petroleum oil from the BPCL pipeline. The complainant has alleged that according to the information received, petroleum oil was stolen between Diveghat – Sonalegaon, Tal. Bhiwanadi. On 22.03.2019, the complainant again received information that there was theft of petroleum at Ovaligaon. Pursuant to the said information, the complainant and his team visited the said place and found that a motor tanker was parked near the said pipeline. The person who was apprehended on the spot disclosed his name as Janardan Sadavate (accused No.1).

4 During the course of investigation, accused No.1 - Sadavate disclosed that, the petroleum oil stolen during the period 16.03.2019 to 21.03.2019, was given to accused No.2 - Mohd. Kadir Mohd. Itebari Khan and Accused No.3 - Gopal Narayan Brahmanlal. Sadavate also disclosed that petroleum oil was also supplied to accused No.4 – Pramodkumar, pursuant to which Pramodkumar (accused No.4) was arrested. It appears that during the course of investigation the said co-accused Pramodkumar disclosed the name of the applicant. It is alleged that Pramodkumar disclosed that it was at the instance of the applicant, that the Tanker containing oil was sent to Solapur. It appears that almost all the co-accused have been enlarged on bail. The applicant has no antecedent. The

applicant is in custody since 29.03.2019 and investigation is complete and charge-sheet is filed.

5 Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial and

attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses

(ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)