

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2519 OF 2019

Lucky @ Laxman Bhausahab Kalamkar	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Milind Deshmukh for applicant.

Mr.H.J.Dedhia, APP, for State.

Mr.Kiran Londhe, API, Koregaon Park Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd November 2019

PC :

1. This is an application for anticipatory bail in CR No.I-267 of 2019 registered with Koregaon Park Police Station for offences under Section 379 of Indian Penal Code.

2. The prosecution case is that the father-in-law of the informant was admitted in the hospital. His car was parked on Dhole Patil road in front of hospital. It was missing on 15th October 2019. The FIR was lodged on 17th October 2019 against unknown person. The car was found in front of hotel of applicant.

3. Learned counsel for applicant contended that he is not concerned with the theft of car. The car was brought by his friend Yogesh and he had informed that the said car belongs to his uncle. On account of snag in the car it was being towed by using crane and parked in front of hotel. It is submitted that in the event if he was aware of the theft of the car, he would not have allowed the other person to bring the car to park near the hotel premises.

4. Learned APP, on instructions, submitted that the applicant was found present along with the co-accused. It is further submitted that the statement recorded during the investigation reveals that the applicant has accompanied the co-accused and they went to the place where the car was parked and thereafter it was towed. He further submitted that Yogesh had paid the charges for towing of the car by crane.

5. In the aforesaid circumstances it appears that the applicant was represented that car belongs to the uncle of co-accused. The charges for towing the car by crane was paid by the said accused. It is doubtful whether applicant had knowledge that the car is stolen. Considering the factual matrix of the case, custodial interrogation of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2519 of 2019 is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.I-267 of 2019 registered with Koregaon Park Police Station, Pune, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer on 27th, 28th and 29th November 2019 between 10 am and 12 pm.

(PRAKASH D. NAIK, J.)