

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

ANTICIPATORY BAIL APPLICATION NO. 261 OF 2019

Bharat Waman Budhwant ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Harshad Sathe i/b. Sachin B. Chandan for the applicant.
Smt. Veera Shinde, APP for the State/respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 10TH JANUARY, 2020

PC :

1. This is application for Anticipatory Bail in connection with C.R. No. 155 of 2018 registered with Roha Police Station, Raigad, for the offences punishable under Section 407 r/w. 34 of Indian Penal Code, 1860 ('IPC' for short).

2. The case of the complainant is that on 27.10.2018 Ajay Gopal Sharma was directed by the complainant's company to supply imported coal to Indo-Africa Paper Mill Pvt. Ltd., Bhore, Pune from Indo-Energy Jetty, Songaon. Transport agent Ajay Sharma, owner of vehicle No. MH/05/DK/7074 and driver on the vehicle acted in connivance with each other and took the imported coal

brought by the complainant's company worth Rs. 1,07,499/- and unloaded it to some other place at Dombivali, hence, the First Information Report ('FIR' for short) was lodged.

3. The applicant is the driver of the vehicle. The owner of the vehicle had forwarded letter to the police, stating that on receipt of the information from the agent, coal was delivered at the place indicated by the agent. The owner had preferred an application for Anticipatory Bail before the Sessions Court alongwith the applicant. The application qua the owner was allowed by order dated 14th January, 2019. However, the application of the applicant was rejected on the ground that he was the driver of the vehicle who had offloaded the coal. The applicant was granted interim protection by this Court vide order dated 30th January, 2019. In the said order, it was observed that the owner of the vehicle of which the applicant is driver is ordered to be released by Sessions Court. The applicant has co-operated with the investigation agency. The owner of the vehicle had given details about mode and manner about use of the vehicle by co-accused and unloading at destination Dombivali. The applicant was directed to attend the Investigating Officer on the date stipulated in the

interim order dated 30th January, 2019. According to the applicant, the said directions are complied.

4. In the aforesaid circumstances, the custodial interrogation of the applicant is not called for. Hence, the interim order required to be confirmed.

ORDER

- (i) Anticipatory Bail Application No. 261 of 2019, is allowed;
- (ii) In the event of arrest of applicant in connection with C.R. No.610 of 2019, registered with Roha Police Station, Raigad, he shall be released on Bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer as and when called till the filling of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)