

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 74 OF 2021

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| 1) | Pandit s/o Sandipan Shelke,
Age 32 years, Occ. Driver,
R/o. Borda, Tq. Kallam, Dist.
Osmanabad. | |
| 2) | Vikram s/o Abrushi Karde,
Age 35 years, Occ. Driver,
R/o. Osmanabad. | ... Applicants. |

VERSUS

The State of Maharashtra,
Through The Police Station
Officer, Kallam Police Station,
District Osmanabad. ... **Respondent.**

...

Advocate for the Applicants : Mr. Jadhavar Aashish T.
APP for the Respondent/State : Mr. V.M. Kagne.

CORAM : MANGESH S. PATIL, J.
DATE : 22.02.2021.

PER COURT :

The applicants who were engaged by the informant as drivers on his four trucks are apprehending their arrest in connection with Crime No. 291/2020, registered with Kallam Police Station, District Osmanabad, for the offences punishable under Section 379, 511 read with Section 34 of the Indian Penal Code and are seeking bail in the event of their arrest.

2. The F.I.R. alleges that the applicants were engaged as drivers by the informant. They had left place called Shiradhon and were supposed to come back to the stone crusher at Tandulwadi. Since the trucks were not returning the informant along with his friend Pashupati Vijaykumar Patil

went in search in the farmer's car. They found that at one place all the applicants were drawing diesel from their respective tucks. The F.I.R. was lodged and the crime was registered for the Sections mentioned herein above.

3. I have heard both, the learned advocate for the applicants and the learned A.P.P.

4. Conspicuously, the allegations in the F.I.R. do not make it clear as to if the diesel was actually stolen away or not. It appears that in an omnibus manner it is being alleged that the applicants were caught red handed while drawing diesel from their respective trucks and could not succeed in stealing it away.

5. The spot panchnama, it only depicts presence of stains of diesel on the ground. No receptacles to take away the diesel that was drawn could be seen at the spot.

6. There is a statement of the person who had allegedly accompanied the informant in his car in support of the prosecution. However, no weight can be attached to it at this juncture for the simple reason that even his version is equally vague as is the first information.

7. Taking into account all the aforementioned facts and circumstances, the applicants are entitled to anticipatory bail subject to usual terms and conditions.

8. The Application is allowed. In the event of arrest of the applicants in connection with Crime No. 291/2020, registered with Kallam Police Station, District Osmanbad, for the offences punishable under Section 379, 511 read with Section 34 of the Indian Penal Code, they shall be released on bail on their executing personal recognizance for an amount of Rs. 10,000/- each and furnishing a solvent surety in the like amount each, subject to following

conditions :

(a) They shall attend the concerned police station on two consecutive Mondays starting from 01.03.2021 an 08.03.2021 between 11 a.m. and 1 p.m. and shall cooperate the Investigating Officer.

(b) They shall not tamper the evidence or influence the prosecution witnesses.

(MANGESH S. PATIL, J.)

mkd/-