

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 977 OF 2021

- 1] Arun S/o. Vishnupant Lonkar
Age 51, Occ. Business.
- 2] Rajendra S/o. Vishnupant Lonkar
Age 46, Occ. Business.
- 3] Ram S/o. Vishnupant Lonkar
Age 49, Occ. Business.
- 4] Sham S/o. Vishnupant Lonkar
Age 48, Occ. Business.

All R/o. House No. 234, Sangale Galli,
Chaupati Karanja, Near Samarth Vidyalaya,
Ahmednagar, Dist. Ahmednagar.

.. Applicants

Versus

The State of Maharashtra and another.

.. Respondents.

...

Mr. V.D. Sapkal, Senior Counsel, i/b.

Mr. R.V. Gore, and D.A. Khandagale, Advs. For applicants.

Mrs. Vaishali S. Chaudhari, APP for respondent.

CORAM : V.G. BISHT, J.

RESERVED ON : 7th September, 2021.

PRONOUNCED ON : 15th September, 2021.

PER COURT:

- 1] This is an application under Section 438 of Cr.P.C. preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.389 of 2021, registered with Police Station, Kotwali, Dist. Ahmednagar for the offences punishable under Sections 420, 406, 411 of IPC.

2] It is the case of prosecution that on 2.6.2021, an unknown person approached the informant and assured her that he would take out Yellow Card for the purpose of concession in hospital bills and other facilities and took her on a motor-cycle. The unknown person also told her that if she pays Rs.10,000/-, she would get Rs. 2 Lakhs. As the informant expressed her inability of having moneys with her, that unknown person advised her to sell her gold chain and accordingly took her to Shahane jewellers but when said jeweller refused, that unknown person took the informant to another gold-smith and asked her to give him her golden chain and he would sell it and asked her to wait. He, however, never returned. The informant accordingly lodged the report.

3] The learned Senior Counsel for the applicant, at the outset submits, that names of present applicants are nowhere revealed in the FIR. Secondly, neither they are gold smith nor they had purchased the alleged stolen property. Therefore, there is no question of applicability of Section 411 of IPC against them. In such circumstances, the application deserves to be allowed, argued learned counsel.

4] Mrs. Chaudhari, learned APP, on the other hand, opposed the submissions by contending that all the applicants are family members and are in habit of purchasing stolen property. Investigation is going on and, therefore, the application need not be considered.

5] I have carefully gone through the FIR and as also investigation papers. Admittedly, the FIR does not show or attribute any role on the part of applicants herein. From the investigation papers and more particularly, from the remand papers, it appears that said unknown

person was later on arrested and his name is Dnyandeo Haribhau Chedhe. It was he, who had taken the golden chain of the informant and then gave it to accused Vilas Sukhdeo Burhade. It is also seen from the investigation papers that said Vilas Burhade had also admitted to have received gold ornaments from time to time from accused Dnyandeo Chedhe. However, from the above, it is not made clear, how these applicants were roped in, and that too under Section 411 of IPC. Prima facie, there is no evidence against present applicants. On this ground alone, the present application deserves consideration.

6] In view of above, I pass the following order.

: O R D E R :

[I] In the event of arrest of the applicants in connection with Crime No. 389 of 2021, registered with Police Station, Kotwali, Dist. Ahmednagar for the offences punishable under Sections 420, 406, 411 of IPC., the applicants be enlarged on bail on their furnishing PR Bond in the sum of Rs. 15,000/- each, with one or two sureties in the like amount.

[II] They shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] They shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

**[V.G. BISHT]
JUDGE.**

grt/-