

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**4 ANTICIPATORY BAIL APPLICATION NO.1095 OF 2021
WITH APPLN/2393/2021 IN ABA/1095/2021**

Rameshwar s/o Popatrao Sukashe,
Age 33 years, Occ. Agriculture,
R/o. Sanjarpur Tq. Gangapur
Dist. Aurangabad.

VERSUS

The State of Maharashtra and another

WITH

**26 ANTICIPATORY BAIL APPLICATION NO.1058 OF 2021
WITH APPLN/2275/2021 IN ABA/1058/2021**

Anil Rajendra Sukase,
Age 32 years, Occ. Business & agriculture,
R/o. Sanjarpur Tq. Gangapur
Dist. Aurangabad.

VERSUS

The State of Maharashtra and another

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Mr. Ravindra Vitthal Gore and Mr. Chandrakant V.Bodkhe, Counsel for
the applicant

Mr. S.B.Narwade, APP for the respondents-State

Mr. Vishweshwar H.Pathade, Counsel for the complainant (assist to PP)

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th OCTOBER, 2021

PER COURT :

1] Learned PP waives service of notice for respondent No.2.

2] The applicants in both the applications are apprehending arrest in

CR No.342 of 2021 registered with Gangapur Police Station, Dist.

Aurangabad for the offences punishable under Sections 381 and 411 of Indian Penal Code (for short, 'IPC').

3] The First Information Report (for short, 'FIR') was registered on 15th August, 2021. It is alleged by the complainant that he suspected theft of goods from his shop at the hands of servants. He intercepted the accused Shubham and Atul, while they were trying to load goods in the rickshaw. The information was given to the police. The FIR was registered. Both the accused were arrested. Investigation proceeded. The allegations against the applicant Rameshwar Sukashe is that inspite of having knowledge that the goods were stolen, the same was transported from his vehicle and he claimed share in the theft. As far as the applicant Anil Sukase is concerned, it is alleged that the co-accused during the course of investigation had disclosed that the goods were delivered to him and he is a receiver of stolen property.

4] Learned Counsel for the applicant submitted that Anil Sukase was previously employed with the complainant. After leaving the employment, he started his own business and hence the complainant had grudge against applicant. There is no cogent evidence to show involvement of the applicants Rameshwar Sukashe and Anil Sukase. The arrested accused were produced for remand before the JMFC Court, Gangapur on 16th August, 2021. However, the involvement of the applicants was not disclosed. The arrested accused were again produced

on 18th August, 2021 and even on that date the involvement of the accused was not revealed. On the third remand on 28th August, 2021, the applicants were shown as accused Nos.10 and 11. In the said remand application, it was disclosed that the accused Nos.1 to 4 and accused No.6 had stolen the seeds from the shop of the complainant and delivered to Anil Sukase. It is submitted that the accused Nos.1 to 4 were in custody and they were produced before the Court of JMFC on 16th August, 2021 and the accused No.6 was produced before the Court of JMFC on 18th August, 2021. However, involvement of the applicants was disclosed for first time in Remand application dated 28.08.2021.

5] Learned APP submitted that there is sufficient evidence to show the involvement of the applicants. The statement of the co-accused were recorded during the course of the investigation and they have disclosed the complicity of applicants in the offence. The applicant Anil Sukase is a receiver of stolen property. The co-accused arrested was found in possession of the goods worth rupees one lakh and there is sufficient evidence to show the link of the applicants with the stolen goods. The applicant Rameshwar Sukashe had knowledge that the accused had stolen goods and inspite of that the goods were transported in his vehicle and he claimed share with co-accused. Hence, custodial interrogation of the applicants is necessary.

6] Learned counsel for the complainant adopted submissions of learned APP and submitted that there is involvement of both the applicants. There is evidence to show that applicants are involved in theft of the articles and one of them is a receiver of the stolen property. Both had knowledge that the goods were stolen.

7] From the tenor of the FIR, it appears that the incident reflected in the FIR is in respect of the goods, which were stolen. The accused were produced for remand. In first two remands, involvement of applicants was not shown. It is pertinent to note that statement of the accused refers to previous incident of the theft. It appears that the complainant had not noticed previous theft. It also appears that the details of the stock available in the shop and which was found missing is not provided by complainant. The co-accused arrested was found in possession of the goods worth of rupees one lakh. Applicants were allegedly concerned with previous theft of goods. The case is based on belated disclosure by co-accused and inferences. Considering the circumstances, the applicants need not be subjected to custodial interrogation. Hence, I pass following order.

ORDERE

- (i) Anticipatory Bail Application Nos.1095 and 1058 of 2021 are allowed.
- (ii) In the event of arrest of the applicants in CR No.342 of 2021 registered with Gangapur Police Station, Dist. Aurangabad, the

applicants be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

- (iii) The applicants shall appear before Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 am and 01.00 pm.
- (iv) Both the Applications for anticipatory bail stand disposed of. Criminal Application Nos.2393 and 2275 of 2021 stand disposed of.

(PRAKASH D. NAIK, J.)

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