

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

ANTICIPATORY BAIL APPLICATION NO. 1190 OF 2020

Vishnu Gangaram Aandhale,
Age 45 years, Occ. Business,
R/o. Zola, Tq. Gangakhed,
District Parbhani. ... **Applicant.**

VERSUS.

The State of Maharashtra,
Through Police Station Renapur,
Tq. & Dist. Latur. ... **Respondent.**

...

Advocate for the Applicant : Mr. J.M. Murkute.
APP for the Respondent/State : Mr. V.M. Kange.

CORAM : MANGESH S. PATIL, J.
DATE : 18.01.2021.

PER COURT :

In this application under Section 438 of the Code of Criminal Procedure, the applicant is seeking bail in the event of his arrest in connection with Crime No. 395/2018, registered with Renapur Police Station District Latur for the offence punishable under Section 379 of the Indian Penal Code.

2. The informant who happens to be the registered owner of the truck has lodged the F.I.R. on the ground that it was stolen.

3. Learned advocate for the applicant would submit that in fact there was a transaction of sale entered into between the applicant and the informant. He had already paid the informant an amount of Rs. 3,50,000/- in cash. Possession was peacefully delivered to him. He was using the truck. It was also seized by the Tahsildar in a proceeding under Section 48 of the Maharashtra Land Revenue Code. He applied and got it released by paying penalty. Even otherwise now the truck has already been recovered and there remains nothing to be discovered so as to require custodial interrogation of the applicant more so when there are no criminal antecedents as well.

4. The learned A.P.P. opposes the application. He submits that the Tahsildar concerned had proceeded against the applicant for using the self same truck in a proceeding under Section 48 of the Maharashtra Land Revenue Code. He was being charged being the owner of the vehicle. The penalty was imposed. It was recovered from the applicant. It is thus *prima facie* clear that the applicant is in possession of the stolen property.

5. I have carefully gone through the papers. Though there are no clear and specific documents to *prima facie* show about the applicant having agreed to purchase the truck from the informant and received its lawful possession, the record also demonstrates that he was actually using the truck. It was also confiscated by the Tahsildar in a proceeding under Section 48 of the Maharashtra Land Revenue Code and was returned to him on payment of penalty.

6. Admittedly, when the truck has now been recovered, there being no other allegation, custodial interrogation of the applicant does not seem to be imperative.

7. The Application is allowed. In the event of arrest of the applicant in connection with Crime No. 395/2018, registered with Renapur Police Station District Latur for the offence punishable under Section 379 of the Indian Penal Code, he shall be released on bail on his executing personal recognizance for an amount of Rs. 25,000/- and furnishing a solvent surety in the like amount, subject to following conditions :

(a) He shall attend the concerned police station on two consecutive Mondays starting from 25.01.2021 between 11 a.m. to 1 p.m. and shall cooperate the Investigating Officer.

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

(MANGESH S. PATIL, J.)

mkd/-