

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

915 ANTICIPATORY BAIL APPLICATION NO. 1198 OF 2020

1. DADASAHEB S/O. VASANTRAO SHELAKE
2. BALAJI S/O. RAWAN PATIL
3. SOPAN GANGADHAR SATPUTE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. V.D. Salunke
h/f. Mr. M.V. Salunke.
APP for Respondent : Ms. R.P. Gour.

**CORAM : MANGESH S. PATIL, J.
DATED : 20.01.2021**

PER COURT :

The applicants are seeking bail in the event of their arrest in connection with Crime No. 152 of 2020 registered with Pimpaldari Police Station, Taluka Gangakhed, District Parbhani, for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. In the FIR it has been alleged that the brother of the informant was having some dues to the Renuka Sugar Factory of which the applicants are the employees. In order to settle the dues, the applicants had been to his village on 09.09.2020. A meeting was held between them and his brother. After returning home he noticed that the tractor and trolley owned by him which were parked in front of

his house were missing. He searched for the vehicles with the relatives but could not have any trace. The FIR further reads that earlier also a tractor trolley was stolen. The applicant No. 3 had then telephonically told him that he had taken away the trolley because of the dues which his brother had to the Sugar Factory. Based on such previous experience while lodging report he expressed suspicion that the applicants must have stolen the tractor and trolley.

3. Learned Advocate for the applicants submits that on mere suspicion the applicants are now being sought to be arrested. There is enormous delay in lodging the FIR. When the tractor and trolley were stolen on 09.09.2020 and the informant was entertaining suspicion about a role of the applicants, he would have lodged the report promptly, but has filed the FIR on 26.10.2020. The applicants are employees of the Sugar Factory. The applicant No. 2 has in fact tendered resignation in the month of August and is no longer in the employment of the Sugar Factory. There are no criminal antecedents. They are ready to cooperate the Investigating Officer and may be granted bail.

4. Learned APP opposes the application. She submits that going by the previous episode the informant is entertaining a legitimate suspicion. The missing of the tractor as a sequel to the meeting in

which the dues of his brother with the Sugar Factory of the applicants was discussed. Since the property is to be recovered, custodial interrogation of the applicants is necessary and the application be rejected.

5. I have carefully gone through the papers of the investigation. It is important to note that merely on a suspicion being entertained by the informant that the prosecution is now intending to implicate the applicants.

6. The basis for suspicion is stated to be the dues which the brother of the informant owes to the factory of which the applicants are employees and regarding which a meeting was held on the day on which the tractor and the trolley were allegedly stolen. If this was the ground for enabling him to entertain the suspicion, in the normal course he would have lodged the FIR promptly. It could not be fathomable as to how he had to wait for more than one and half month for lodging the report expressing such suspicion.

7. Assuming for the sake of arguments that previously a trolley was taken away and the applicant No. 3 had telephonically informed the informant about it, the FIR is conspicuously silent as to what had happened subsequently. Whether the trolley was recovered much less

from the applicant No. 3 or the Sugar Factory of the applicants. Considering the aforesaid facts and circumstances, in my considered view this is a fit case where the applicants deserve to be granted anticipatory bail subject to usual conditions.

8. The application is allowed.

9. In the event of arrest of the applicants, they shall be released on bail on furnishing Personal Recognizance for an amount of Rs. 15,000/- each and furnishing a solvent surety in the like amount each subject to following conditions :

(a) They shall attend the concerned police station on 28.12.2021 and 01.02.2021 between 11.00 a.m. and 01.00 p.m. and shall cooperate the Investigating Officer.

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

(MANGESH S. PATIL, J.)