

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

ANTICIPATORY BAIL APPLICATION NO. 1474 OF 2021

SACHIN ANANDRAO KAMBLE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. S.S. Shaikh
APP for Respondent : Mr. A.V. Deshmukh

CORAM : PRAKASH D. NAIK, J.

DATE : 21.12.2021.

Per Court :

1. This is an application for anticipatory bail in Crime No. 211/2021, registered with Kurunda Police Station, District Hingoli, for the offence punishable under Section 379 read with 34 of the Indian Penal Code.
2. The case of the prosecution is that the iron gates were stolen by unknown persons. The value of iron gates was Rs. 1,53,000/-. The co-accused was arrested. It is disclosed that the vehicle which was used in crime, belongs to the applicant.

3. Learned Advocate for the applicant submits that the applicant do not have knowledge about commission of theft of iron gates. The amount which was allegedly earned by selling the iron gates has been recovered from co-accused. Custodial interrogation of the applicant is not necessary.

4. Learned APP submits that the applicant is involved in the crime. Statement of Investigating Officer shows that the applicant has sold the stolen articles and payment was made to him.

5. Learned APP further submits that custodial interrogation is necessary to find out his involvement in other crimes. Although, the amount is recovered, the involvement of the applicant is evident from the material on record.

6. The stolen articles are already recovered. Amount of Rs. 1,53,000/- earned by sale of stolen articles were recovered from the arrested accused. Hence, the applicant need not be subjected to custodial interrogation.

ORDER

- i. Anticipatory Bail application No. 1474 of 2021 is allowed.
- ii. In the event of arrest of the applicant namely Sachin S/o. Anandrao Kamble, in Crime No. 211/2021 registered with Kurunda Police Station, District Hingoli, for the offence punishable under Section 379 read with 34 of IPC, he be released on bail on executing P.R. bond in sum of Rs. 25,000/- (Rupees twenty five thousand) with one or more sureties in the like amount.
- iii. The applicant shall report the Investigating Officer on 28.12.2021 and 29.12.2021 between 11:00 a.m. and 01:00 p.m. and thereafter as and when called for, till filing of the charge sheet.
- iv. Application is disposed of.

(PRAKASH D. NAIK, J.)