

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.3528 OF 2021

Vinayak Bapusaheb Tikkal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh D. Chavan a/w Mr. Bapurao Bhagwat, for the Applicant.

Mr. H. J. Dedhia, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 424 of 2021 registered with the Daund Police Station, Pune (Rural), for the alleged offences punishable under Section 381 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that the role of the applicant is similar to that of co-accused - Abhisekh Lalasaheb Gawade and Siddharth Mahadev Shinde, who have been enlarged on bail by this Court vide order dated 5th October 2021.

4. Learned APP does not dispute the same.

5. Perused the papers. The incident is alleged to have taken place on 29th June 2021 at about 4:30 p.m. According to the complainant - Umaji Redkar, he received a call from the Company Production Manager- Mr. Suryawanshi that, when the Supervisor-Waman Wagh had gone to take sample of Brinz – 7, 3 out of the 4 drums containing Brinz – 7 were found to be empty. Pursuant thereto, the complainant immediately rushed to the spot. The complainant has stated that 75 kg of Brinz – 7 powder kept in the 3 drums was missing. The costs of the said powder was around Rs.75,00,000/-. Pursuant thereto, a case of theft was lodged by the complainant. During the course of investigation it transpired that accused No.1 – Sunil Bhandalkar was seen in the said premises moving around in a suspicious manner. During the course of investigation, 8 persons including the applicant were arrested. According to the prosecution, the employees of the company i.e. Abhisekh, Sujit, Siddharth, Sunil and Vinayak (applicant) had thrown the said powder outside the companies premises, after which Amol and Shubham had picked up the same and kept it in Abhisekh's house. During the course of investigation, the said powder was seized from the Abhisekh's house and Rs.58,00,000/- odd have been recovered. There is no recovery at the instance of the applicant. The role

of the applicant is more or less similar to that of co-accused - Abhisekh Gawade and Siddharth Shinde, who have been enlarged on bail by this Court vide order dated 5th October 2021.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon for a period of 12 months from the date of their release;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.