

Anand

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

BAIL APPLICATION NO. 2743 OF 2019

**Nisha S.
Chitnis**

Janardhan Devram Sadavarte

.Applicant

Vs.

Digitally signed
by Nisha S.
Chitnis
Date: 2021.01.22
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The State of Maharashtra

.Respondent

Mr. M. K. Kocharekar, Advocate, for the Applicant

Mrs. S. V. Sonawane, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.01.2021

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 169 of 2019 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 379, 411, 120B of the Indian Penal Code, under Section 15(4) of the Petroleum Act and under Section 3 of the Prevention of Damage to Public Property Act.

3. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the said case and that the

Applicant has no concern with the alleged offences. He further submitted that the Applicant was found at the spot and that no specific role has been attributed to him in the commission of offence. He submits that the Applicant was a cleaner on the truck which was found at the spot and that the Applicant had no role in the alleged theft of petroleum products. He further submitted that the Applicant has no antecedents. According to the learned counsel, the Applicant was an employee of co-accused – Rashid Khan, who is absconding and that the relationship between them was that of an employee and employer. He submits that the Applicant is in custody since 23.03.2019 and that investigation is complete and charge-sheet is filed.

4. Learned APP opposed the Application. She, however, does not dispute the fact that the Applicant has no antecedents. She submits that as the Applicant was found at the spot, his complicity in the crime is clearly evident.

5. Perused the papers. According to the Complainant – Prasenjeet Ramteke, Manager of Bharat Petroleum, he received an information that theft of petrol was going on from their pipeline near village Ovali, Bhiwandi. Pursuant thereto, the Complainant along with

the officers of the Bharat Petroleum rushed to village – Ovali and saw one tanker standing near the Company's pipeline. It was observed that one plastic pipeline was attached to the Company's pipeline and its other end was attached to the truck. It is alleged by the Complainant, that 3 – 4 persons were present at the spot and on seeing the Complainant and others, all except the Applicant ran away from the spot. Admittedly, the Applicant was found on the spot. It appears that the Applicant was working as a cleaner on the truck which was found at the spot. The said truck belonged to co-accused - Rashid Khan. Whether or not the Applicant was aware of the theft being committed or not, is a matter which will be decided by the trial Court. The Applicant is in custody since 23.03.2019. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

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 P. R. Bond in the sum of **Rs. 25,000/-** with one or two local sureties in the like amount;

- (ii) The Applicant shall attend the concerned Police Station on the **first Sunday of every month** between **10:00 a. m. and 12:00 noon** for a period of 24 months from the date of his release;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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;
- (v) The Applicant to co-operate in the conduct of the trial and attend the trial Court on all the dates, unless exempted;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the Registry of 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.

All concerned to act on the authenticated copy of this order digitally signed by Personal Assistant / Private Secretary.

(REVATI MOHITE DERE, J.)