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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2564 OF 2019**

Sohansing Rupsing Rajput .. Applicant

vs.

The State of Maharashtra .. Respondent

Ms. Samruddhi Ghadigaonkar h/f. Sachin B. Chandan for the applicant.

Smt. P.N. Dabholkar, APP for the State.

PSI K.D. Sonawane, Crime Unit I, Thane i/b. Retired PSI Ashok Mane.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 7, 2021

P.C.

Heard learned counsel for the applicant.

2. This is an application for pre-arrest bail in respect of the offence punishable under Section 379 read with Section 34 of the Indian Penal Code registered with Khadakpada Police Station in Cr.No.I-325/2019.

3. The case of the prosecution is that on 21/9/2019, when the complainant was on duty from 7 p.m. to 7 a.m., he heard some noise from the Northern side of the company and therefore, he went there to find out what the noise was. He found that one security person from the complainant company was standing there

and in front of him some of the persons loading scrap in the tempo. All of them fled away on noticing the complainant. The accused had loaded aluminum seats, copper and steel of 700 kilos worth of Rs.9,800/-.

4. During the course of the investigation, the accused were arrested on 21/9/2019. On the basis of the statement made by one of the co-accused, it was revealed that the applicant was a recipient of the stolen property.

5. By an interim order dated 25/11/2019 the applicant was granted interim protection.

6. The Investigating Officer is present in the Court. Learned APP submits that the entire stolen property is recovered from other accused. The applicant had co-operated with the investigation pursuant to the order passed by this Court. There is no recovery at the instance of the applicant. The entire property was recovered at the instance of other accused. The crime is registered against the applicant on the basis of the statement of the co-accused. The charge-sheet has been filed against other accused. In view of the facts stated hereinabove, the following order is passed :

ORDER

(I) In the event of the arrest of the applicant in Crime No.I-325/2019 registered with Khadakpada Police Station, Kalyan for the offences punishable under Section 379 read with Section 34 of the

Indian Penal Code, he is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(II) The applicant shall attend the Police Station concerned as and when called by the Investigating Officer.

(III) The applicant shall furnish the particulars of his latest residence address and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

(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) Interim order dated 25/11/2019 passed by this is confirmed.

(VI) The anticipatory bail application is disposed of.

(M.S.KARNIK, J.)

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