

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.82 OF 2022

VINAYAK S/O GULABRAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S. J. Salunke, Advocate for applicant.
Mr. V. M. Kagne, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09.03.2022

ORDER :-

. Applicant is apprehending his arrest in connection with Crime No.406 of 2021 registered with Karmad Police Station, Dist. Aurangabad for the offences punishable under Section 379 of Indian Penal Code.

2. Heard learned Advocate Mr. S. J. Salunke for the applicant and learned APP Mr. V. M. Kagne for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it is lodged by the employee of Megha Engineering and Infrastructure Limited, who is serving as a lining officer. They have taken some vehicles on rent as the work of Nagpur-Mumbai Samruddhi Mahamarg was undertaken on contract by his

company. He found around 4.00 a.m. on 26.10.2021 that certain persons were taking out diesel from the Hiwa which was taken on rent by the informant's company. They could note the number of the car as MH-21-C-2007, but that person managed to flee away with the diesel can. After chasing for a while, they could found that police vehicle was present and by the road, they could found the vehicle, but not the driver. The car and the diesel was seized by the police and the informant Dnyaneshwar Vitthal Kuber lodged the report.

4. The present applicant was the owner of the vehicle and according to the applicant, he has already sold the vehicle to one Gangadhar Sarode on 16.07.2021. He was not possessing the said vehicle on the day of incident i.e. 26.10.2021. He has produced on record intimation of transfer of ownership and the copy of the TC forms as well as the RC book.

5. Said Gangadhar Sarode has been made as accused No.2. The police papers would show both the papers i.e. as the registration is still in the name of the applicant and also the fact that he had taken it by obtaining loan from one Shri. Santkrupa Nagari Sahakari Patsanstha, Jintoor. The fact was informed about the sell of vehicle to the finance company, but then those forms of TC and letter of authority indicate that there is substance in his say that he has sold the vehicle on 16.07.2021.

Under such circumstance, the physical custody of the applicant may not be required for the purpose of investigation. So also, the vehicle as well as stolen article is already in possession of the police. Hence, the interim protection granted earlier by this Court deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The ad-interim relief granted earlier by this Court vide order dated 20.01.2022 stands confirmed and made absolute. In other words, in the event of arrest of applicant – Vinayak s/o Gulabrao Rathod in connection Crime No.406 of 2021 registered with Karmad Police Station, Dist. Aurangabad for the offence punishable under Section 379 of the Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- each and S. B. of Rs.15,000/- each, if not already released.
- III) Applicant to attend the Karmad Police Station, Dist. Aurangabad on every Sunday between 10.00 a.m. to 1.00 p.m. till filing of charge-sheet.
- IV) He shall not indulge in any criminal activity nor he shall tamper with the evidence of the prosecution.

[SMT. VIBHA KANKANWADI, J.]

scm