

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO.280 OF 2022

MOHSIN LALMIYA ATTAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Lavte Amar Vinayakrao
APP for Respondent-State : Ms. Vaishali Patil Jadhav
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 24-03-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.263 of 2021, registered with Majalgaon (Rural) Police Station, District Beed, for the offence punishable under Section 379 r.w.34 of the IPC.
2. Heard learned Advocate Mr. A. V. Lavte for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. Perusal of the FIR lodged by one Kuldeep Indrajit Shinde would show that he had lodged the report about theft of Soybean crop grown in his land. He alleges that 38 bags of Soybean worth of

Rs.1,15,200/- were stolen by somebody. Thus, the FIR is against unknown persons. The remand report and the police papers show that the secret information was received to the police that the said offence has been committed by one Majid Pasha Shaikh and Anwar Majid Qureshi and their companions. Those two persons were arrested, and thereafter, they had disclosed the name of five persons including the name of the present applicant. They have also disclosed that they had sold the stolen Soybean to a trader at Latur. It is then stated that from that place 19 quintal 60 Kilogram of Soybean worth Rs.84,770/- was recovered. It is then stated that rest of the Soybean is yet to be recovered. The police papers would show that except the statement by co-accused there appears to be no more evidence collected up till now against the applicant to connect with the crime. Under such circumstances, the application deserves to be allowed. He can be made available for the investigation and for the recovery of alleged remaining Soybean, the custodial interrogation of the present applicant is not necessary. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of the arrest of the applicant Mohsin

s/o Lalmiya Attar, in connection with Crime No. 263 of 2021, dated 22-10-2021, registered with Majalgaon (Rural) Police Station, District Beed, for the offence punishable under Section 379 r.w.34 of IPC, he be released on PR of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.

3) Applicant to remain present before the Investigating Officer on Monday, Wednesday and Friday between 10.00 a.m. to 02.00 p.m., till filing of the charge-sheet.

4) He shall not tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.