

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1570 OF 2022

Deepak Sudam Unde	 Applicant
Versus	
The State of Maharashtra	
and another	 Respondents

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Mr. Rahul R. Karpe, Advocate for the Applicant	
Mr. V.S. Badakh, APP for Respondents – State	

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th December, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0904 of 2022 registered with Parner Police Station, District Ahmednagar for the offence punishable under section 381 read with 34 of the Indian Penal Code.
2. FIR is lodged by Sandip Aapte, Police Officer. After receipt of the secret information, the informant and his colleagues caught the driver of the tanker selling petrol from the tanker. The driver was arrested, and he disclosed that he was going to the applicant for selling petrol.
3. Heard the learned advocate for the applicant and the learned Additional Public Prosecutor for the respondent State. Perused the investigation papers.

4. Except the statement of the driver, there is no material against the applicant in the investigation papers. Applicability of section 381 of the Indian Penal Code, *prima facie* appears to be doubtful. The applicant claims to be a student studying in B.A. 2nd year, and has no criminal antecedents. The statement of tanker owner, who runs petrol pump is also recorded, wherein he has stated that he has received back stolen petrol, and it appears that he has no grievance about the incident.

5. The applicant was granted interim protection, and he has co-operated in the investigation. In absence of any material against the applicant, pre-trial custodial detention of the applicant is not warranted in the facts of the present case.

6. The application is, therefore, allowed, by confirming the interim order.

7. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane