

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.256 OF 2022

Rakesh Ramesh Dhamdhare ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Balasaheb Deshmukh, for the Applicant
Mr. P.H. Gaikwad, APP, for the State.
Mr. Vikas Patil, PI, Sikrapur police station present.

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2022.06.18
18:51:28 +0530

CORAM : N. J. JAMADAR, J.

DATE : JUNE 15, 2022

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred for pre arrest bail in connection with C.R. No. 745 of 2021 registered with Sikrapur police station, Pune for the offence punishable under section 379 of Indian Penal Code, 1860.
3. Mr. Ashish Gupta, the first informant lodged a report on 15th September, 2021 that 180 iron plates used for construction, kept in an open place at the construction site of Prakash Kothavale were stolen in the period intervening 13th September, 2021 and 14th September, 2021. The first information report was lodged against an unknown person. Allegedly, the co-accused Babulal Bhujbal made a disclosure statement, during the course of investigation,

implicating the applicant as an accomplice.

4. Mr. Deshmukh, learned counsel for the applicant submitted that the applicant has been implicated in two crimes bearing C.R. No. 753 of 2021 and 745 of 2021 on the basis of recovery of the very same property. This Court has granted pre arrest bail to the applicant in connection with C.R. No. 753 of 2021 (ABA No. 2603 of 2021). The applicant deserves to be released in this case as well in the event of arrest.

5. The learned APP, on the other hand, resisted the application by submitting that in the disclosure statement the co-accused Babulal Bhujbal has specifically named the applicant as his accomplice. Only 35 out of 180 stolen plates have been recovered. The custodial interrogation of the applicant is, therefore, warranted.

6. I have perused the material on record and the investigation papers. First information report was lodged against an unknown person. Consequent to the arrest of the co-accused Babulal and pursuant to the alleged discovery made by him 35 iron plates seem to have been recovered from an open place, from in front of the house of the applicant. Apart from the statement of co-accused, at this stage, material on record, prima facie does not indicate the nexus between the applicant and the offence. The co-accused has

been arrested, and since released on bail. Thus, having regard to the nature of the offence and the material pressed into service against the applicant, custodial interrogation of the applicant does not seem to be warranted. Hence, I am persuaded to exercise the discretion in favour of the applicant. Hence, the following order.

ORDER

- 1] Application stands allowed.
- 2] In the event of arrest in C.R. No. 745 of 2021 registered with Sikrapur police station, Pune for the offence punishable under section 379 of Indian Penal Code, 1860 the applicant Rakesh Ramesh Dhamdhare be released on bail on furnishing a P.R. bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
- 3] The applicant shall not tamper with the prosecution evidence and shall not give any threat or inducement to any of the prosecution witnesses.
- 4] The applicant shall report to the investigating officer, Sikrapur police station, on every alternate Sunday between 10 am to 1 pm for a period of two months from today.

(N. J. JAMADAR, J.)