

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.853 OF 2022

Dinesh Purohit @ Dinesh Juaraji
Purohit

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Durgesh P. Jaiswal with Mr. Gulestan Dabesh with Mr. Dinesh Rajpurohit for the Applicant.

Mr. S.H. Yadav, APP for Respondent-State.

Mrs. S.V. Dhakane, IO, Sr. PI, Kurla Railway police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st MARCH, 2022.

P.C.:-

1. By this application filed under Section 438 of the Cr.P.C. the Applicant has sought pre-arrest bail apprehending his arrest in C.R. No.473 of 2021 registered with Kurla Police Station, Mumbai, for offence punishable under Section 379 of the IPC.

2. Heard Mr. Durgesh Jaiswal, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Bipin Gajosing, who is running a business of courier service in the name and style of Sun Cargo Courier. The Complainant has alleged that he had placed an order for 137 mobile display and other accessories on 03/10/2021, which was received on the same day. On 04/10/2021 said boxes were loaded in Train No.02164 at Chennai Central Railway station and were received at LTT Railway station. It was noticed that there was theft of 18 boxes and hence he lodged a report of theft of 18 mobile boxes. The FIR was lodged against unknown persons. In the course of the investigation, Kishore Purohit came to be arrested. It is stated that in the course of the investigation some stolen property has been recovered from Kishor. Present Applicant is roped in on the basis of the statement of the applicant dated 20/12/2021. Learned APP, under instructions states that on 12/11/2021 the Applicant on his own reported to the Investigating Officer and had stated that he had purchased some mobile from co-accused Kishore Purohit on payment of Rs.5,80,000/-. The Applicant had stated that he had learnt that the Mobile display sold to him was stolen property and had volunteered to hand over the same to the police. It is curious to note that even after the Applicant had allegedly told the Investigating Officer that the co-accused Kishor was involved in

the said incident, the co-accused came to be arrested on 22/12/2021. Furthermore, no reasons are assigned for not recovering the stolen articles from the Applicant from 12/11/2021 when he had volunteered to hand over the same. Name of the Applicant is also not mentioned as suspect in the first two remand applications. The Applicant is shown as suspect in the third remand application only after arrest of the co-accused. Hence, prima facie contention of the Investigating Officer that the Applicant had on his own on 12/11/2021 volunteered to hand over the stolen property cannot be believed. At this stage, apart from the statement of co-accused there is no prima facie evidence to link the Applicant in the aforesaid crime. This is a fit case for grant of pre-arrest bail.

4. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.473 of 2021 registered with Kurla Police Station, Mumbai, the Applicant shall be released on executing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount.
- (ii) The Applicant shall report to the investigating officer

for a period of four days from 05/04/2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and /or change of residence or mobile details, if any from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)