

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

BAIL APPLICATION NO. 1922 OF 2022

1. Mahesh Tatyaso Gaikwad
2. Gokul Mahadev Dhumal
3. Vishnu Machhindra Vitkar Applicants
v/s.
The State of Maharashtra Respondent

**WITH
BAIL APPLICATION NO. 1799 OF 2022**

Udayraj Hariram Yadav Applicant
v/s.
The State of Maharashtra Respondent

**WITH
BAIL APPLICATION NO. 1883 OF 2022**

Mallikarjun Vitthal Khedgi Applicant
v/s.
The State of Maharashtra Respondent

**WITH
BAIL APPLICATION NO. 2002 OF 2022**

Sham Pradiprao Ingole Applicant
v/s.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 2315 OF 2022
IN
BAIL APPLICATION NO. 2002 OF 2022**

Vishnu Bajirao Dube Intervenor

In the matter between :-

Sham Pradiprao Ingole Applicant
v/s.
The State of Maharashtra Respondent

Mr. Kuldeep Patil i/b. Prashant Hagare for the Applicant in BA/1922/2022.

Mr. Sandeep R. Karnik for the Applicant in BA/1799/2022.

Mr. Rahul Zade for the Applicant in BA/2002/2022.

Mr. Ranjeet M. Pawar for the Intervenor in IA/2315/2022.

Mr. A.A. Palkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th AUGUST, 2022.

P. C. :-

. Learned counsel for the Applicants in BA/1799/2022 and BA/1883/2022 seeks leave to amend the cause title. Leave is granted. Amendment to be carried out forthwith.

2. These are the Applications under section 439 of Cr.P.C. filed by the aforesaid Applicants who are facing trial in Sessions Case No.218/2022 pending on the file of JMFC, Daund for offences under sections 380, 381, 420, 120(B), 201, 411 r/w. 34 of the Indian Penal Code.

3. Heard learned counsel for the Applicants, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Vishnu Bajirao Dube who is the Commercial Manager at Eternis Chemicals Ltd., M.I.D.C., Kurkumbh, Tal. Daund, Dist. Pune. It is alleged that total 20 kgs of Rhodium on Alumina, which was stored in the Catalyst room of the company, was stolen. The value of the said stolen material is stated to be Rs.5,47,20,385/-. Rahul Kale (A1), Ankit Jadhav (A2) and Shyam Ingole (A3) were the employees of the Company. The said employees had left the job and had gone to their native place. The complainant therefore suspect that the accused nos.1, 2 and 3 had committed theft of the said chemical. The Applicant Sham Ingole and the other two employees were arrested and while they were in custody, these accused disclosed that they had sold the chemical to the present Applicant Nos.4, 5, 6, 9 and 10. Based on the said information, these Applicants came to be arrested.

5. The records reveal that though the statements of the Applicant – Sham Ingole and accused nos.1 and 2 recorded under section 27 of the Evidence Act, no chemical was recovered pursuant to the said

statements. In the absence of discovery, prima facie, the said statements will have no evidentiary value. It is also not in dispute that the stolen chemical was not recovered from any of these Applicants. Prima facie, there is no direct or circumstantial evidence to show the involvement of the Applicants in the aforesaid crime.

6. Considering the above facts and circumstances, the Applicants are entitled for bail. Hence, the Applications are allowed on the following terms and conditions :-

- (i) The Applicants in BA/1922/2022, BA1799/2022, BA/1883/2022 and BA/2002/2022 who are facing trial in Sessions Case No.218/2022 pending on the file of JMFC, Daund, are ordered to be released on provisional cash bail in the sum of Rs.50,000/- each for a period of three weeks ;
- (ii) The Applicants shall, within the said period of three weeks, furnish P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount ;
- (iii) The Applicants shall report to Daund Police Station, Dist. Pune once in two months on every 1st Monday between

10.00 a.m. to 01.00 p.m. until further orders;

- (iv) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicants shall keep the Trial Court informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Applications stand disposed of in above terms. Interim Application stand disposed of in view of disposal of the Bail Applications.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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