

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2603 OF 2021

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

Mr. Balasaheb Deshmukh, for the Applicant
Mr. P.H. Gaikwad, APP, for the State.
PSI. Jeetendra Pansare, Shikrapure police station present.

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CORAM : N. J. JAMADAR, J.

DATE : JUNE 14, 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. 753 of 2021 registered with Sikrapur police station, Pune for the offence punishable under section 379 of Indian Penal Code, 1860.
3. Mr. Rajendra Bhandare, the first informant lodged the report on 17th September, 2021 that 70 plates used for construction, kept at a construction site near Kasturi College, Swapna Nagari Society, Jategaon were stolen in the period intervening 21st August, 2021 to 13th 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 in respect of the very incident and the same property two crimes were registered at C.R. 753 of 2021 and 753 of 2021. The co-accused was apprehended in both the crimes. Even after recovery of the centering plates in connection with C.R. No. 745 of 2021 the co-accused was subsequently shown to have been arrested in the instant crime and, with an oblique motive, the applicant came to be roped in as a co-accused.

5. The learned APP, on the other hand, submitted that there were two different reports of theft and the co-accused Babulal Bhujbal came to be arrested in both the reports.

6. From the perusal of the material on record, it becomes evident that the centering plates have been recovered from an open place in front of the house of the applicant. The material on record, prima facie does not indicate the nexus between the applicant and the offence. The co-accused has been arrested and released on bail. Having regard to the nature of the offence, the 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. 753 of 2021 registered with Sikrapur police station, Pune for the offence punishable under section 379 of Indian Penal Code, 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 regularly attend the proceeding before the learned Magistrate.

(N. J. JAMADAR, J.)