

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 221 OF 2023

Nitin Ankush Gaikwad

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. M.P. Gandle, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 10th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 543 of 2021 registered with Georai Police Station, Dist. Beed for the offence punishable under Section 379 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged by one Matin Qureshi on 26th November, 2021. It is his case that on 25th November, 2021 at 02:00 p.m. he had been to

the office of Panchayat Samiti, Georai for inauguration of its official building. There was huge crowd. He had with him a sum of Rs.8,300/-. One unknown person removed that amount from his pocket. The culprit again thrust his hand into his another pocket. The informant caught hold of him. He, however escaped. It was realised that some other persons in the crowd had also met with similar incidents. A sum of Rs.11,500/- were stolen from one Satish Dabhade. Cash of Rs.4,000/- and a gold chain worth Rs.1,50,000/- were stolen of one Bandu Bargaje. Further a sum of Rs.3,200/- of Santosh Karande and a sum of Rs.14,700/- of one Mustaq Qureshi were also stolen. As such, the total amount of theft of cash and gold ornaments comes to worth Rs.1,91,700/-.

4. According to learned counsel for the applicant, the F.I.R. has been lodged against an unknown person. The applicant's involvement is suspected based on the statement given by the co-accused only. Nothing has been recovered from the co-accused. There is no other material to connect the applicant with the crime in question. He, therefore, urged for grant of application.

5. Learned A.P.P. would, on the other hand, submit that statement of the co-accused could be considered for dealing with the anticipatory bail application, so as to suggest involvement of the applicant in the crime in

question. He would further submit that the applicant has criminal antecedents. He, therefore, urged for rejection of the application.

6. Admittedly, the F.I.R. has been lodged against an unknown person. The applicant is said to have been roped in based on statement given by the co-accused. The co-accused was arrested. Nothing could be recovered from him. It is informed that the applicant has been granted anticipatory bail in another crime. Since there is *prima facie* nothing to connect the applicant with the crime in question, except statement of the co-accused, the Court is inclined to grant the applicant anticipatory bail.

7. Learned counsel for the applicant came around to deposit a sum of Rs.50,000/-, which shall be treated as *muddemal* in the case to be dealt with at the conclusion of trial.

8. In the factual backdrop of the case, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 543 of 2021 registered with Georai Police Station,

Dist. Beed for the offence punishable under Section 379 of the Indian Penal Code, he be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD