

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 648 OF 2023

1. Maroti s/o Ramdas Devad
 2. Sandeep s/o Namdeo Kolpewad
 3. Ramdas s/o Devidas Pyaramwad
 4. Ramesh s/o Poshetti Pyaramwad
- Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. A. N. Patale, Advocate for the applicants.
Mrs. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 11th JULY, 2023.

PER COURT :

1. Heard.
2. Applicants apprehend arrest in connection with Crime No. 485/2022 registered with Bhokar Police Station, Tq. Bhokar, Dist. Nanded for the offence punishable under Section 379 of the Indian Penal Code.

3. Informant Vitthal gave report on 16th December, 2022 at 3.20 pm about theft of the motor being committed from his agricultural field in the intervening night of 14th December, 2022 and 15th December, 2022.

4. Learned counsel for the applicants states that applicants are related to informant and there are serious disputes between the parties. It is submitted that there is no witness to the incident and false implication of the applicants cannot be ruled out. It is also pointed out that pursuant to the order passed by this Court, value of the motor worth Rs. 11,400/- is already deposited. Thus, according to him, it is a fit case for grant of anticipatory bail.

5. Learned APP opposed the application relying upon the statement of witness who had seen the present applicants committing theft of the motor. It is therefore contended that involvement of the applicants is seen in this crime.

6. There is no denial about the fact that the informant and applicants herein have serious dispute between them. The report of theft of motor is not lodged immediately. Statement of the witness is

recorded on 19th December, 2022 wherein he claims to be the adjoining agriculturist and having seen the incident of theft. However, it does not stand to any reason as to why the same was not disclosed to the informant immediately. Having regard to the fact that there are disputes between the parties, the possibility of false implication of the applicants cannot be ruled out. Applicants have already deposited the value of the article of which theft was committed. In these circumstances, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb