

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 699 OF 2023

Sahebrao s/o Mohan Suryawanshi

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. G. G. Suryawanshi, Advocate for the applicant.

Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 54/2023 registered with Ramtirth Police Station, Tq. Biloli, Dist. Nanded, for the offence punishable under Section 379 of the Indian Penal Code.

2. Informant Vitthal reported to the police that on 5th April, 2023, when in the morning he went to the agricultural field, he did not find 9 she buffaloes. Therefore, offence was registered against unknown person for commission of theft.

3. Learned counsel for the applicant states that the applicant is not named in the First Information Report and that the cattle are already seized by the police. Thus, according to him, it is not a case of custodial interrogation. He further states that brother of the applicant had lodged complaint against some villager and hence the present applicant is sought to be involved in this crime.

4. Learned APP opposed the said contention by stating that there is statement of witness who has categorically stated that on 4th April, 2023, at 10.00 pm, present applicant and his father came to the witness along with driver of the pick up vehicle and they engaged the said vehicle for carrying the cattle to the market for sale. It is further stated that the said cattle were seized from the said pick up vehicle.

5. Since the theft was committed in the intervening night of 3rd April, 2023 and 4th April, 2023 there was no question of informant naming anyone as accused. Perusal of investigation papers show that the cattle stolen from the agricultural field of the informant were seized from the vehicle which belongs to Jalil Qureshi. Statement of Jalil Qureshi shows that the present applicant came to him for

engaging the said vehicle for carrying the cattle to the market for sale. Thus, there is more than sufficient evidence collected during investigation in order to show involvement of the applicant in the crime.

6. The contention of learned counsel for the applicant that his brother had lodged report against some villager and hence he is falsely implicated in the crime cannot be accepted for the reason that had it been so, the informant would have named the present applicant as the person who committed theft. Secondly, merely because there is seizure of the cattle, the investigation into the crime is not concluded. Investigating agency has every right to ascertain the manner in which the theft is committed. Hence, application has no merit. Application stands rejected.

(R. M. JOSHI)
Judge

dyb