

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 710 OF 2023

Krishna s/o Shivaji Suda

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. D. K. Dagadkhair, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 21st JUNE, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 18/2023 registered with Jawahar Nagar Police Station, Dist. Aurangabad for the offence punishable under Section 379 of the Indian Penal Code.

2. Informant Ganesh reported to the police that on 15th January, 2023 he had parked his vehicle bearing No. MH 13 AN 0945 in front of Rohan Hospital. On 16th January, 2023 at about 7.00 pm, when he went to the spot, he found his vehicle missing. He, therefore, apprehended theft of the same and report came to be lodged.

3. Learned counsel for the applicant states that there is absolutely no evidence on record to connect present applicant with this crime. He, therefore, seeks protection.

4. Learned APP states that there are number of similar crimes recorded against the present applicant. He also places reliance on statement of co-accused wherein the co-accused has admitted to have committed crime in question with the help of present applicant.

5. The statement of co-accused is not relevant for the purpose of deciding present application as the same cannot be proved during trial. It is pertinent to note that assuming that such statement was made, it is further revealed that the same car was sold to one Pintu Rathod, resident of Pusad, Dist. Yavatmal. In spite of same, there is no investigation in order to connect the present application with the crime. The vehicle has not been seized till date. Thus, at this stage, there is absolutely no evidence to involvement of present applicant in this crime. Merely because there are criminal antecedents against him, the application cannot be rejected. Hence, the following order :

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 18/2023, registered with Jawahar Nagar Police Station, Dist. Aurangabad, for the offences punishable under Section 379 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week till filing of the charge-sheet.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge