

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

ANTICIPATORY BAIL APPLICATION NO.779 OF 2023

**SUGRIV BHAGWAN WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. N. R. Thorat, Advocate for the applicants
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 28th JUNE, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 78/2023 registered with Beed Rural Police Station, Dist. Beed for the offences punishable under Sections 380, 427, 457 read with Section 34 of IPC.

2. On 01/04/2023 Jalindar gave information to the police that he is having fabrication shop in the name of Gurukrupa Fabrication. He further states the area in which the said shop is covered by CCTV cameras. According to him on 29/03/2023 after completion of the work he along with his workers went to Beed by locking the premises. On 30/03/2023 at about 09.00 am when he came to shop it was found that the articles kept therein are stolen. He further states that thereafter he called the technician of CCTV camera in order to ascertain the CCTV

footage. He found applicants having entered the premises. On the basis of offence came to be registered against the applicants.

3. Learned counsel for the applicants states that there is delay in lodging FIR. According to him, applicants were working with the informant and as they demanded their salary, they are falsely implicated in this crime. It is also submitted that the identify of the applicants cannot be ascertained since the thieves had covered their faces at the time of commission of theft.

3. Learned APP submitted that there is CCTV footage which indicates the presence of present applicants and that they can be easily identified from the said footage. This is sought to be countered by the counsel for the applicants stating that if the said footage is carefully perused then it shows that there is sound heard indicates work being in progress inside the premises at relevant time. This according to him rules out possibility of theft.

4. Though it is claimed by the applicants that they were employed with informant and there were disputes with regard to the non payment of salary, there is absolutely no evidence on record to substantiate the said fact. As far the alleged delay caused in lodging FIR

is concerned, FIR clearly shows that the informant had thought it fit to ascertain as to who must have committed the theft because the entire premises was covered by CCTV cameras. There is specific statement to the effect that the technician was called on 30/03/2023 and after ascertaining the persons who had entered the premises, present report is lodged. Thus, it is not the case that there is unexplained delay in lodging of the FIR.

5. *Prima facie* perusal of the CCTV footage indicates that the persons who are seen therein can be duly identified by any acquaintance of them. In such circumstances statements of the informant and his employees identifying applicants to be same persons cannot be disputed at this stage. It can also be seen that the persons were present at night time and they were unsuccessfully attempting to hide their faces. There is sufficient evidence on record in order to show involvement of the applicants in this crime. Since it is case of theft of material from the premises of the informant, for the purpose of recovery of the same custodial interrogation of the applicants is necessary. Hence application stands dismissed.

(R. M. JOSHI, J.)

ssp