

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 942 OF 2023

Surenderpal Singh Trilochan Singh Sohal

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R. P. Patwardhan, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0204/2023 registered with Basmath City Police Station, Dist. Hingoli for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. Informant reported the incident occurred at 3.50 am on 10th April, 2023 wherein it is claimed that one vehicle was found unauthorisedly transporting sand. Enquiry was made by the concerned authority with the driver of the vehicle about permit for said transportation. He informed the name of present applicant to be the owner of the said vehicle. The registration number of the vehicle

in which transportation of sand was being done is mentioned as MH 04 AF 3607. It is further stated that the said vehicle was brought to Tahasildar office. At around 10.00 am it was found that the said vehicle was stolen. On the basis of this, applicant apprehends arrest as he is alleged owner of the vehicle.

3. Learned counsel for the applicant states that applicant is not the owner of the vehicle bearing registration No. MH 04 AF 3607. Infact, it stands in the name of Ranjit Singh. According to him, there is no evidence to connect the applicant with this crime.

4. Learned APP opposed the application by contending that in First Information Report registration No. of the vehicle was wrongly mentioned and it was subsequently corrected as MH 04 GF 3607. It is contended that the said vehicle belongs to the present applicant. Reliance is also placed on the statement of Talathi and other witnesses who claim to have seized the said vehicle and the same being stolen. It is contended that when the key of the said vehicle was with Talathi, only owner could have committed theft of the same by using the second key.

5. Perusal of the investigation papers shows that no panchanama was drawn by the concerned authority at the time of seizure of the said vehicle. The panchanama on record is drawn between 10.00 am to 10.50 am which is after the alleged theft of the vehicle. Thus, there is nothing on record to indicate that infact any such vehicle was seized and brought to the Tahasildar office. Apart from this, there is doubt as to which vehicle was really seized i.e. MH 04 AF 3607 or MH 04 GF 3607. All these facts create serious doubt about the case of prosecution. In such circumstances, liberty of the applicant needs to be protected. Hence, application is allowed in terms of the interim order with condition that he shall appear before the Investigating Officer as and when called by written notice.

(R. M. JOSHI)
Judge

dyb