

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1231 OF 2023

RAJU RAMRATAN MUNDADA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Avinash Barhate Patil h/f
Mr. S. S. Chapalgaonkar
APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 21, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 258 of 2023 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 407 read with Section 34 of the Indian Penal Code.

2. FIR shows that the informant is the transporter. It is his contention that pipes were transported in the truck bearing no. MH-12-LT-4252. Driver and cleaner of the said truck along with truck had gone absconded. It is the allegation in the FIR that the said driver and cleaner committed breach of trust and has disposed of pipes. During the course of

investigation, it was revealed that the co-accused had sold the pipes to the present Applicant and others.

3. Learned Counsel for the Applicant submits that the report submitted by the investigating officer before the learned Magistrate indicates that the pipes sold to the present Applicant are already seized. Thus, it is his contention that custodial interrogation of the Applicant is not necessary.

4. Learned APP opposed the said contention with the submission that there are other properties which are still to be recovered and hence, the grant of anticipatory bail at this stage is not justified. It is also contended that the Applicant having knowledge about the fact that the said pipes are stolen articles purchased the same and hence, the offence punishable under Section 411 of IPC is *prima facie* attracted against him.

5. Though there is allegation against present Applicant that he has purchased the stolen pipes, report of the investigating officer clearly shows that the said pipes which were allegedly stolen and sold to

the present Applicants are already seized. There is no allegation against Applicant that he has purchased entire stolen articles. In such circumstances, there is no justification to deny pre-arrest bail on the ground that other articles are yet to be seized.

6. In view of above, application is allowed by confirming order dated 26th July, 2023.

(R.M. JOSHI, J.)

Malani