

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1450 OF 2023

Jitesh Ashok Kurliye

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. S. Chapalgaonkar, Advocate for the applicant.

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

CORAM : R. M. JOSHI, J.

DATE : 1st NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0472/2023 registered with Akole Police Station, District Ahmednagar for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of Indian Penal Code.

2. First Information Report shows that police got intimation about contraband articles being transported in the vehicles. Accordingly raid was conducted. Contraband articles were seized from Innova car and pick up van. It is revealed that the Innova car belongs to the applicant herein.

3. Learned counsel for the applicant states that though applicant is the owner of the said vehicle, however, the said vehicle was taken on hire by Gajanan and agreement is executed to that effect on 28th June, 2023. Thus, it is his case that the applicant has no connection with the crime in question.

4. Learned APP opposed the application by referring to the statement of co-accused who claims that the contraband articles belong to present applicant. It is also submitted that there is one offence registered against the applicant and hence he is not entitled to anticipatory bail.

5. Though there is no dispute about the fact that one vehicle from which there was seizure of contraband articles belongs to the present applicant. However, applicant has placed on record hire agreement which was executed on 28th June, 2023. Apart from this, except for the statement of the co-accused, there is nothing on record to indicate that the said articles belong to the present applicant. Pendency of one crime allegedly committed in the year 2019 will not become a ground for rejection of application. There is

nothing to be seized at the instance of the applicant as the vehicle as well as the articles are seized by police.

6. Having regard to these facts, at this prima facie stage, there is no material to connect the applicant with the crime in question. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb