

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

946 BAIL APPLICATION NO.1632 OF 2023

TANAJI RAMRAO HANGARGE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Kadarale Nitin S  
APP for Respondents: Mrs. P.V. Diggikar.

**CORAM : S.G. CHAPALGAONKAR, J.**

**DATE : 29TH SEPTEMBER, 2023**

**ORDER :-**

The applicants seek bail in connection with Crime No. 168 of 2023 registered with Jalkot Police Station, Dist. Latur for the offences punishable under Sections 381, 411 r/w. 34 of IPC.

2. The investigation was set in motion on the basis of the information given by Mr. Parmeshwar Dange, who alleges that he owns an agricultural land. He alleges that one Gajanan Dhanaji Vanje has been employed to cultivate the agricultural land. During last season, he produced 168 bags of Soybeans. However, as he was not getting expected returns, the goods were stored at his complex at Jalkot. It is further alleged that on 12.8.2023, when he visited his complex at Jalkot, he noticed that some soybean bags were missing. He made inquiry with one Swapnil Guda and Sanjay Kore. They informed that Gajanan Vanje and his companion Ganesh Jote ( Ape rickshaw driver) were seen carrying soybean bags in the Ape-rickshaw on 2/3 occasions. The CCTV

footage at Jalkot Police station confirms the aforesaid fact. The Ape rickshaw driver on interrogation informed that the soybean bags have been sold to Shivaji Tangshette and Tanaji Hangarge (present applicants) who are dealing with the wholesale market of agricultural produce. On the basis of the aforesaid information, Crime No. 168 of 2023 came to be registered with Jalkot Police station for the offences punishable under Sections 385, 411 r/w. 34 of IPC.

3. The applicants have been arrested in pursuance of the aforesaid crime on 17.8.2023, since then they are behind bars. Their prayer for grant of bail has been rejected by the Sessions Court. Hence, this application.

4. The learned advocate for the applicants would submit that applicants are licence holders to deal with the agricultural produce and carrying on their business. The allegations in the FIR is that they have received the stolen goods from accused Gajanan Vanje and Ganesh Jote. He would submit that receipt of the goods was duly acknowledged and there was no dishonest intention in receiving the goods. He would therefore submit that no offence can be made out against the applicants.

5. Learned APP vehemently opposes the application. She would submit that the applicants have received the goods from accused Nos. 1 and 2, without making inquiry regarding the ownership of goods. The recovery is made under Section 27 of the Evidence Act. As such, prima facie, there is material to show involvement of the applicant in commission of the offence.

6. Having considered the submissions advanced, apparently, the applicants are licence holders and dealing with the agricultural goods in APMC market. They have issued receipts after purchasing the goods from accused persons. Apparently, there is nothing to indicate that they were knowing that the goods are stolen by the accused persons. Even it cannot be inferred that applicants have purchased or intentionally received the stolen goods to bring home the guilt against them under Section 411 of IPC. The applicants have been arrested on 17.8.2023. There are no criminal antecedents. After detention of the applicants would not be necessary. In that view of the matter, a case is made out for grant of bail.

7. Hence, the following order :-

: O R D E R :

[I] The application is allowed.

[ii] Applicants (1) Tanaji S/o. Ramrao Hangarge and (2) Shivaji S/o. Mallikarjun Tangshette be released on bail in connection with Crime No. 168 of 2023 registered at Police Station, Jalkot, Dist. Latur, for the offences punishable under Sections 381, 411 and 34 of IPC on furnishing P.B. and S.B. of Rs. 50,000/- each, with one surety in the like amount, on the following conditions :-

[a] They shall attend the Jalkot police station once in a week i.e. on every Friday between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.

[b] They shall not tamper with the prosecution evidence.

**[S.G. CHAPALGAONKAR]**  
**JUDGE**

grt/-