

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1817 OF 2023

Ganesh Sharnappa Jote Applicant

Versus

The State of Maharashtra Respondent

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Mr. Ajinkya Reddy, Advocate for Applicant

Ms. P.V. Diggikar, APP for Respondent-State

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[CORAM : S. G. CHAPALGAONKAR, J.]

DATE : 19th OCTOBER, 2023

ORDER :

1. The applicant seeks regular bail in connection with Crime No. 168 of 2023 registered with Jalkot Police Station, District Latur for the offences punishable under sections 381, 411 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the complaint given by Parmeshwar Dange, who owns an agricultural land. He engaged Gajanan Wanje to cultivate his land. He had stored crop of *soybean* in his complex at Jalkot. On 12.08.2023, when informant visited the complex, he found that *soybean* bags are missing. He made inquiry with Swapnil Gunda and Sanjay Kore. They informed that Gajanan Wanje i.e. employee of the informant carried the goods in an Ape-rickshaw on 2/3 occasions. The CCTV footage is available showing the Ape-ricksaw being used for carrying the goods. During investigation, it revealed that the *soybean* bags were

sold to Shivaji Tangshette and Tanaji Hangarge, who are dealing with the wholesale market of agricultural produce.

3. On the basis of aforesaid report, Crime No. 168 of 2023 came to be registered with Jalkot Police Station, District Latur for the offences punishable under sections 381, 411 r/w 34 of the Indian Penal Code. The applicant has been arrested in pursuance of the aforesaid crime on 17.08.2023. Since then he is behind the bars.

4. Mr. Ajinkya Reddy, learned advocate appearing for the applicant submits that this Court has already released accused Nos.3 and 4. The applicant is running Ape-rickshaw for his livelihood. His services were hired by accused Gajanan for transportation of goods. Without knowledge of the intention of accused No.1, the applicant has provided the services for transportation of goods. He would therefore submit that no offence can be made out against him.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. She would submit that the accused persons who are released on bail are attributed different role than the applicant. The applicant was found transporting the goods, which is subject matter of crime. CCTV footage confirms the aforesaid act of the applicant. She would submit that the applicant committed offence in convenience with accused No.1. Hence, she urges to reject the application.

5. Having considered the submissions advanced, it can be gathered that accused No.1 was employed by the informant, and he was in-charge of the Godown, where goods

were stored. The applicant is arrested having transported the goods in his Ape-rickshaw. However, at this stage, no inference can be drawn that the applicant in connivance with accused No.1 has gave effect to the offence. The possibility that the applicant's services were hired by main accused for transportation of goods without knowing the intention of accused No.1 cannot be ruled out. The applicant is behind the bars for more than two months. The investigation in the matter is practically over. Further detention of the applicant would not be necessary. In that view of the matter, case is made out for grant of bail. Hence, the order.

ORDER

- (i) Bail Application is hereby allowed.
- (ii) The applicant – GANESH SHARNAPPA JOTE be released on bail in connection with Crime No. 168 of 2023 registered with Jalkot Police Station, District Latur for the offences punishable under sections 381, 411 r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand), on the following conditions :-
 - [a] The applicant shall not tamper the prosecution evidence.
 - [b] The applicants shall visit the concerned police station once in a week i.e. on every Saturday between 10 am to 2 pm till filing of the charge-sheet.

(iii) Bail application is accordingly disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

S.P. Rane