



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2023

Ganesh Bapu More

...Applicant

VERSUS

The State Of Maharashtra

...Respondent

...

Mr. M. R. Wagh, Advocate for the Applicant. (VC)

Mr. M. K. Goyanka, Addl PP, for the Respondent – State.

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 05, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 338 of 2023 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Section 379 of the Indian Penal Code.

2. First informant reported to the police that on 20.08.2023 trolley and trailer of tractor which was parked in the courtyard of his house were found missing. Offence came to be registered against unknown persons.

3. Learned Counsel for the Applicant submits that except for the alleged statement of co-accused there is no evidence to connect Applicant with the crime.

According to him, stolen articles are already seized by the police, hence, there is no recovery to be done at the instance of Applicant.

4. Learned APP opposed the application mainly on the contention that Applicant is habitual offender and involved in similar crimes. It is his submission that merely because recovery is done, Applicant is not entitled for anticipatory bail.

5. As far as present case is concerned, except for the alleged statement of co-accused which could not be admissible in evidence, there is nothing to indicate involvement of the Applicant in the crime. Stolen articles are already seized, as such, custody would not be required for recovery of the articles from the Applicant. Merely because the some offences are registered against him, in absence of any evidence to show complicity in the crime pre-arrest bail cannot be refused.

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

(R. M. JOSHI, J.)