

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

ANTICIPATORY BAIL APPLICATION NO.1762 OF 2022

**SHAKIL KALU SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Abhishek M. Hajare, Advocate for Applicants
Mr. A. A. Jagatkar, APP for Respondents – State
Mr. A. K. Gawali, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.446/2022, registered with Jintur Police Station, Parbhani, for offence punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.
2. FIR is lodged by Amol Vitthalrao Karhale, alleging that accused Nos.1 and 2, driver and cleaner of truck No.MH-20-EL-2874 in which informant sent 264.70 Quintal soybean to Suflam Seeds Pvt. Ltd., had stolen and misappropriated the said soybean. During the course of investigation names of present applicants were disclosed.
3. Heard learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the investigation papers.

4. It appears from record that names of present applicants were disclosed by accused Nos. 1 and 2. They have stated that soybean was sold to the present applicants and amount received from the said transaction was kept at home. Soybean was sold at the rate of Rs.5,000/- per Quintal. Applicant No.1 had shown godown where the soybean was to be stored and accordingly accused Nos. 1 and 2 unloaded soybean in the said godown. The godown was raided and the soybean was recovered. Cash received by accused Nos. 1 and 2 was also recovered.

5. It is further transpired in the investigation that applicants have sold some of the soybean and transferred the amount received from said sale in the bank account of accused No.1. On 16/11/2022 amount of Rs.1,50,000/- and on 14/11/2022 through 'Phone Pe', amount of Rs.14,000/- was transferred in the bank account of accused No.1, so also, amount of Rs.4,16,000/- was paid in cash. Amount of Rs.1,14,900/- was recovered from the bank account of accused No.1 and amount of Rs.1,65,000/- in cash was recovered from the house of accused No.1. Except the statement of co-accused and said bank transactions, there is no other material on record to show involvement of applicants in the present crime.

6. Applicants were protected and were directed to

cooperate in the investigation. They have attended the police station and cooperated in the investigation. The investigation appears to be on the verge of completion. Pre-trial custodial detention of applicants is, therefore, not necessary in the facts of the present case.

7. In the result, application is allowed by confirming interim order dated 23/12/2022. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by Investigating Officer and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)