

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1299 OF 2023

Sachin Ramkumar Pal	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Samarth S. Karmarkar i/by Karmarkar and Assoc. - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State.

API Sharad Pawar Bhiwandi City Police Station.

CORAM : S. M. MODAK, J.

DATE : 04th MAY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP. Officer is present.

2. He has contended that except name in the F.I.R. there are no other materials showing the involvement of the present Applicant. The first informant is owner of one godown carrying of business of cotton. He is appointed one Mahendra Rajkumar Pal for the purpose of transporting the goods. The said Mahendra is assisted by his driver Vikas and present Applicant is brother of the Vikas. There are also several persons assisting Mahendra. The allegation is

that when the goods are transported in a tempo, during transit they have stolen the goods to tune of Rs. 99,000/-. Accordingly, the F.I.R. is registered on 04/08/2022 under Sections 379, 407 read with 34 of the Indian Penal Code.

3. The contention is raised in spite of the investigation there are no materials to show the involvement of the present Applicant. Initially, the Police have filed charge-sheet against the two persons, namely, Pramod and Ramesh. Recently, they have arrested Mahendra. He is owner of the tempo. Even though it may be true that the wife of the Mahendra has produced Rs. 1,09,000/- before the Police being an amount received by selling some of the goods. The contention raised is that his wife filed an affidavit before the Court of the JMFC stating that she was not present in the Police Station. It cannot be accepted because papers suggests about seizure of Rs. 1,09,000/-. It is also true that tempo is seized, however issue does not rest there. There is an additional statement of the first informant wherein he has stated that a amount of the stolen goods is much more than Rs. 99,000/-, it comes to rupees more than Rs. 39,00,000/-. I have perused the charge-sheet which is filed against initially two arrested accused persons. There are statement of the witnesses who have said

that present Applicant is privy to the said offence. So no case is made out for anticipatory bail. Hence it is rejected.

[S. M. MODAK, J.]