

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3081 OF 2023

Shivaji Kondbarav Mhaske

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Chaitanya Mulawkar, for the Applicant

Mr. M.G. Patil, APP, for the Respondent/State.

Ms. Manjiri Parasnis, for the Complainant.

CORAM : N. J. JAMADAR, J.

DATE : NOVEMBER 1, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. Leave to amend.
3. Necessary amendment be carried out forthwith.
4. This application is preferred seeking pre-arrest bail in connection with C.R. No. 465 of 2023 registered at Rajgad police station for the offences punishable under section 379 of Indian penal Code, 1860.
5. The first informant runs a poultry farm under the name and style of 'Poultry Breeding Farm Private Limited'. The applicant was working as a Manager in the said farm. On 29th August, 2023 at about 9.30 pm, the first informant intercepted a Tempo which was coming out of the farm. The said Tempo was laden with poultry feed

worth Rs. 1,20,000/-. When the driver of the said tempo was confronted, he disclosed that on the instructions of the applicant, the said poultry feed was being taken away. Hence, the report.

6. The learned counsel for the applicant submitted that the applicant had communicated to the first informant that he intended to resign from the company. Thereupon, the applicant has been falsely roped in.

7. Prima facie, the co-accused was allegedly found moving the stolen property from the poultry farm of the first informant. It seems, the alleged stolen property has already been recovered. The applicant is roped in on the basis of statement of the co-accused that at the instance of the applicant, the poultry feed was being moved. In the backdrop of this nature of accusation, the custodial interrogation of the applicant is not warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

8. In the event of arrest in C.R. No.465 of 2023 registered with Rajgad police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

9. The applicant shall cooperate with the investigation and attend Rajgad police station, on 9th, 10th and 11th November, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

10. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

11. The applicant shall regularly attend the proceedings before the jurisdictional Court.

12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)