

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.487 OF 2023

Pravin s/o Deepak Gangurde
Vs.

State of Maharashtra, through Police Station Officer, Police Station, Shegaon City
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. P Ladekar, Advocate for applicant.
Mr. M. J. Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/08/2023

1. The present application is for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.20/2023 registered with Police Station, Shegaon City for the offence punishable under Sections 380, 454, 457, 411 and 120-B of the Indian Penal Code. The applicant is arrested on 06.02.2023 and since then he is in jail.

2. As per the contention of the applicant, the accusation is made against the unknown persons on the basis of report lodged by one Anand Harichand Paldiwal who has alleged that on 15.01.2023 at about 10.30 a.m. he had had been to Ganpati Netralaya at Jalna by locking his house. On 16.01.2023, he received a message that theft is committed in his house, he immediately came at his native place and verified, it reveals to him that the

golden articles, cash amount worth of Rs.92,50,000/- is stolen from his house. On the basis of said report police have registered the crime against the present applicant. During the investigation, it reveals that present applicant is the person who assisted the other co-accused who disposed of the stolen articles by introducing the co-accused with the Jewellers and assisted the co-accused who disposed of the said stolen articles.

3. As per the contention of the applicant, he is implicated maliciously and falsely in the alleged offence. There is no direct or circumstantial evidence, as nothing is to be recovered from the offence attracted him against under Section 411 of the Indian Penal Code for which the punishment of three years is provided. For a sufficient period the applicant is behind bar. Now, the investigation is completed and chargesheet is filed. His further custody is not required and hence, he be released on bail.

4. The said application is strongly opposed by the State on the ground that the applicant has played vital role in the commission of the crime. During the course of the investigation, it reveals that the applicant has introduced the co-accused with the persons who are dealing with the gold and silver articles and assisted to dispose of the gold articles. The other co-accused are the brother-in-law of the present applicant. Thus, there is a

prima facie case against the present applicant and prays for rejection of the application.

5. Having heard the learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. As far as the allegation against the present applicant is concerned, there is no material to show that he was party to conspiracy. From the investigation papers, it reveals that the applicant has assisted his brother-in-law accused Nos.7 and 8 to dispose of the golden articles. It further reveals that accused Nos. 4 and 5 namely Ajinkya Jagtap and Navnath Shinde have given gold ornaments for further disposal to accused Nos.7 and 8 Mayur Dhage and Saurabh Dhage who are real brother-in-law of the present applicant and the applicant has assisted them in the disposal of the said ornaments and taken them to the goldsmith. Thus, role of the present applicant is only to the extent that he has assisted the co-accused to dispose of the gold ornaments. Therefore, the offence under Section 411 of the Indian Penal Code is attracted against the present applicant for which punishment up to three years is provided. Now, the investigation is completed and chargesheet is filed. Considering the allegation, further custody of the present applicant is not required. The application deserves to be allowed by imposing certain condition. Accordingly, I proceed to pass the following order.

(i) The application is allowed.

(ii) The applicant **Pravin s/o Deepak Gangurde** is released on bail in Crime No.20/2023 registered with Police Station, Shegaon City, District Buldhana, for the offence punishable under Sections 380, 454, 457, 411 and 120-B of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the Police Station, Shegaon once in a week, till conclusion of the trial and the Investigation Officer shall supervise on the activities of the present applicant.

(iv) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

(v) The applicant shall furnish his cell phone number and address with the address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate