

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

CRIMINAL APPLICATION (ABA) NO.440 OF 2023

Ajay s/o Damodhar Verulkar

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station, Ansing,
District Washim

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

Court's or Judge's orders

Mr. A. S. Mardikar, Senior Counsel a/b Mr. R. S. Kurekar, Advocate for applicant.
Mr. S. M. Ghodeswar, APP for respondent / State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/08/2023

1. By this application, the applicant is seeking anticipatory bail in the event of arrest in connection with Crime No.153/2023 registered with Ansing Police Station, District Washim for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of the police as accusation is made against him on the basis of report lodged by one Dnyaneshwar Ganeshrao Sarnaik on an allegation that on 11.06.2023 at about 9.00 p.m., he has accounted all the money and kept it in one box and he went to sleep at about 12.30 a.m. He heard the noise and woke up and saw that present applicant is running from the house. Thereafter, he came to know that amount of Rs.2,18,000/- is stolen by the present by breaking the said box. On the basis of

the said report, police have registered the crime against the present applicant.

3. The applicant has come with the case that he is a businessman in agriculture field and holding 20 acres of agricultural land, there is no reason for him to commit the theft. Merely, on the suspicion and due to the enmity, he is implicated in the alleged crime. The custodial interrogation of the present applicant is not required and he be protected by granting anticipatory bail.

4. The learned APP strongly opposed the application on the ground that the amount stolen is to be seized from the present applicant and therefore, his custodial interrogation is required and prays for rejection of the application.

5. Heard learned Senior Counsel Mr. Mardikar for the applicant. Perused the recitals of the FIR, as well as the investigation papers. During investigation, the Investigating Officer has recorded the various statements of the witnesses. The box where in the alleged amount was kept is also seized by the police. As far as the recovery amount is concerned, as per the allegation by the informant he has kept the amount of Rs.2,18,000/-. The investigation is still in progress and the applicant is cooperating with the investigating agency. As far as the physical custody of the present applicant is concerned,

only for the purpose of recovery, his physical custody is not required. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) In the event of arrest the applicant **Ajay s/o Damodhar Verulkar** be released on anticipatory bail in connection with Crime No.153/2023 registered with Ansing Police Station, District Washim for the offences punishable under Sections 457 and 380 of the Indian Penal Code, on executing PR bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend Police Station as and when required for investigation purpose and shall cooperate with the investigating agency.

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

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate