



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 491 OF 2024

Tousif Najamali Jahagirdar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. A.S. More, Advocate for applicant

Mrs. P.V. Diggikar, APP for respondents

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th APRIL, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 7/2024, registered with Latur Rural Police Station, District- Latur, for offences punishable under section 420 and 406 of Indian Penal Code.

2. FIR is lodged by Shankar Kalantri alleging that he runs business of transport by name and style as 'Santosh Roadlines'. On 04.01.2024, applicant called him and asked for transport work for Solapur. Informant gave him work of transportation of 309 gunny bags of Soyabean from Ashwin Warehouse, Peth to deliver at Baitul Oil Mill Chincholi, MIDC, Solapur. Said soyabean was loaded in the truck bearing No. MH-25-T-7780. Applicant took goods in his custody, but he did not deliver it to Baitul Oil Mill Chincholi, MIDC, Solapur and

Bhagyawant Punde

misappropriated the same, applicant therefore and committed cheating and criminal breach of trust.

3. Heard learned advocate for applicant and learned APP for State. Perused the investigation papers.

4. It is the case of applicant that on 08.01.2024 he complained to Police Inspector, Naldurg Police station stating that while he was proceeding in his truck on 04.01.2024, right side rear tyre of truck got punctured. Hence, he parked truck and as there was no jack in the truck, he asked for a lift and came at Itkal square. Then he proceeded from Itkal to Solapur and came to his home at Solapur at 11.00 pm. Thereafter, in the morning at 10.00 am, he went to the place where the truck was parked with jack. However, truck was not there. Truck was found in the forest. When he went near the truck, he found that tarpaulin covering the truck was opened and somebody has stolen soyabean bags.

5. *Prima facie*, it is not possible to accept contention of applicant that since he was not having jack in his truck he left the truck unattended and went to house and return to the truck in the morning at 10.00 am. Surprisingly, no cleaner was accompanying him in the truck and he could not have left the

truck unattended, particularly when he was carrying goods in the truck. Admittedly, incident had taken place on 04.01.2024 in the night, whereas complaint allegedly given by applicant to the Police Inspector, Naldurg Police Station is on 08.01.2024.

6. During the course of investigation it is transpired that similar offences are registered against applicant with MIDC Solapur Police Station, which are as follows:

- (i) C.R. No. 126/2013, under section 326, 325, 324, 336, 452, 143, 147, 149, 323, 504 of Indian Penal Code.
- (ii) C.R. No. 41/2022, under section 3, 7 of Essential Commodities Act, and under section 285, 286 r/w 34 of Indian Penal Code.
- (iii) C.R. No. 801/2023, under section 365, 504 r/w 34 of Indian Penal Code.

7. *Prima facie*, it is revealed during the course of investigation that applicant is culprit and he has stolen 309 gunny bags of soyabean worth Rs. 7,89,635/-, which are yet to be recovered. Therefore, custodial interrogation of applicant is necessary for effective investigation and recovery. So also considering the criminal antecedents applicant is not entitled for discretionary relief of anticipatory bail. Application is therefore rejected.

[NITIN B. SURYAWANSHI, J.]