



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

956 ANTICIPATORY BAIL APPLICATION NO. 1282 OF 2024

RAHUL SURESH UPADHYAY

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr S. J. Salunke, Advocate for Applicant

Mr C. V. Bhadane, A.P.P. for Respondents/State

Mr P. B. Jadhav, Advocate for applicant for assist to APP

....

WITH

ANTICIPATORY BAIL APPLICATION NO. 1348 OF 2024

SANDIP VAIJINATH KADAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr A. R. Hange, Advocate h/f Mr R. G. Hange, Advocate for
Applicant

Mr C. V. Bhadane, A.P.P. for Respondents/State

Mr P. B. Jadhav, Advocate for applicant for assist to APP

....

CORAM : R. M. JOSHI, J.

DATE : 11th October, 2024

PER COURT :-

1. Heard.

2. Applicants in both these applications apprehend their
arrest in connection with Crime No.305 of 2024, registered with

(2)

Shivajinagar Police Station, Beed, Dist. Beed, for the offences punishable under Sections 406, 407 read with Section 34 of the Indian Penal Code.

3. First informant Parmeshwar Satishrao Dahiphale, employee of Vinayak Constructions, Ambajogai, lodged report stating that, since 24/04/2024, steel bars are purchased from Uma Steel Company and applicant in Anticipatory Bail Application No.1282/2024 is the Transporter and applicant in Anticipatory Bail Application No.1348/2024 is the Driver of the Truck. The offence is registered against Vendor, Transporter as well as the Driver.

4. It is the case of the informant that, on 24/04/2024, the consignment of the steel bars was received. However, it was suspected that weight of said consignment is less. Hence, the said Truck was weighed and it was found that about one ton of the material is less. It is contended that, from 24/04/2024 till 29/06/2024, about 70 tons steel was less than purchased by the informant.

(3)

5. Learned counsel for applicants submit that, there is no communication by the informant either to applicants or to the Vendor in respect of receiving less material than supply. It is their submission that, the incident was noticed on 29/06/2024, however, report is lodged after five days. They also argued that, it is practically impossible to ascertain that there was less material received from the period from 24/04/2024 till 29/06/2024 as material received at site is used for construction purpose.

6. Learned APP opposed these applications by referring to the statements made by witnesses during the course of investigation.

7. It is pertinent to note that, there is nothing appearing from the investigation papers that the informant has made complaint with regard to receipt of less material, either to the Vendor or to the Transporter. First Information Report is lodged after five days by noticing less supply of material. The Court finds prima facie substance in the contentions of learned counsel for applicants that it is not possible to weigh steel bars which are already used in the construction work

(4)

8. Having regard to aforesaid facts, these are fit cases for granting anticipation bail. Hence, these applications stand allowed in terms of following conditions.

ORDER

(i) Anticipatory Bail Application No.1282/2024 is allowed in terms of the interim order passed by this Court, dated 29/07/2024.

(ii) In the event of arrest of applicant in Anticipatory Bail Application No.1348/2024, in connection with Crime No.305 of 2024, registered with Shivajinagar Police Station, Beed, Dist. Beed, for the offences punishable under Sections 406, 407 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) Both Applicants in these applications are directed to appear before the Investigating Officer till the conclusion, once in fortnight.

(iii) They shall not contact the witnesses directly or indirectly.

(5)

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

sjk