



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO. 1179 OF 2024

SAMPAT NEMARAM DARAKWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Manoj Madhukarrao Kadtu

APP for Respondent/State: Mr. P. K. Lakhotiya

...

WITH

CRIMINAL APPLICATION NO. 3498 OF 2024
IN ABA/1179/2024

GANGANKUMAR BALDEVARAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant :

Mr. Rohit Patwardhan h/f. Mr. Jadhav Satej S.

APP for Respondent/State: Mr. P. K. Lakhotiya

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 17th DECEMBER, 2024

PER COURT:

- 1] The application for assist to public prosecutor is allowed.
- 2] Heard learned counsel for the applicant and the learned APP for the respondent-State.
- 3] The applicant is apprehending arrest in connection with Crime No.142 of 2023, dated 07.08.2023, registered at Tadkalas Police

Station, District Parbhani, for the offences punishable under Section 408 of IPC.

4] The FIR is registered by the complainant as regards his missing articles of Rs.07,13,920/-from the plant warehouse and the applicant is stated to be the In-charge of the plant warehouse. It is the responsibility of the applicant to look after all the goods / articles. It is further stated that goods are missing for the period 01.06.2023 to 06.08.2023 and the said fact was discovered at the later point of time in July-2023, on being questioned by the owner, it is stated that the applicant has admitted that he had sold certain articles and on that basis FIR is registered.

5] The learned APP submits that some tyres are recovered from some scrap wharehouse but the name of the applicant does not surfaced as far as recovery is concerned.

6] Since, the complaint is registered against the applicant on the basis of the apprehension and on the basis of the alleged statement made by him to the complainant and, since, the offence committed is of a long period back, today, as such, no recovery is possible at the instance of the applicant. The investigation has also not displayed any further connection of the applicant with the goods stolen from the wharehouse. Since, there is no evidence connecting the applicant to the missing

articles and the statement of the applicant to the complainant is prior to more than 1 ½ year, the applicant deserves to be granted anticipatory bail.

7] In view of the above, the application is allowed in the following terms :

i] In the event the applicant/s is/are arrested in connection with Crime No.142 of 2023, dated 07.08.2023, registered at Tadkalas Police Station, District Parbhani, for the offences punishable under Section 408 of IPC, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when required by the Investigating Officer.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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