



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

ANTICIPATORY BAIL APPLICATION NO. 1843 OF 2023

DIPAK HARIBHAU SURWASE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Amar V. Lavte, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondent – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.203/2023, registered with Dindrud Police Station, Beed, for offence punishable under Section 379 of the Indian Penal Code.
2. FIR is lodged by Prashant Late alleging that on 09/09/2023, he brought 30 gunny bags of fertilizer of 92424 of Mahadhan and had kept 20 gunny bags in cattle shed of his field. However, on the next day he found 15 bags missing and therefore, he lodged the report. He found two bags of the stolen fertilizer in applicant's field.
3. Heard learned advocate for applicant and learned APP for respondent / State. Perused the investigation papers.
4. It is the case of applicant that he has purchased four bags of fertilizer of same company on 02/09/2023, from Balaji Agro

Traders. Receipt of the same is placed on record by applicant.

5. Perusal of investigation papers reveal that since the date the fertilizer bags are stolen, labour employed by informant on yearly basis is absconding. There appears substance in the contention of applicant that he has purchased said bags and he has nothing to do with stealing of fertilizer bags from informant's field. Abscondence of labour employed by informant supports this contention. Applicant has no criminal antecedents. He is a reputed person in the society and will not abscond if released on bail. Nothing is to be recovered from him. For these reasons, application is allowed by confirming interim protection granted to applicant by order dated 06/11/2023.

7. Till filing of charge-sheet applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)