

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.820 OF 2024

Satish Prabhakar Yelmar Applicant
Versus
The State of Maharashtra Respondent

Mr. Dilip Bodake, Advocate for the Applicant.
Mr. Nitin B.Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.524/2024 registered at Vaduj Police Station, District-Satara under sections 379, 408 read with 34 of IPC.

2. Heard Mr. Dilip Bodake, learned counsel for the Applicant and Mr. Nitin Patil, learned APP for the Respondent-State.

3. The FIR is lodged by one Yashwant Bhorkade on 27.10.2023. He was working as a Security Officer of a Factory. On 27.10.2023, one Nitin called him and informed that one of the security guards Somnath was caught stealing sugar from the godown. The informant came to the sugar factory. He was told that Somnath was seen taking away bag containing 50 kg of sugar. The informant told this fact to their General Manager. They took stock of the sugar in the godown. They realized that about 644 bags weighing 50 kg each were missing. Therefore, the FIR is lodged for theft of sugar worth Rs.10 Lakhs.

4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR and even in the subsequent investigation there is nothing against the present Applicant. The main accused Somnath is arrested and is released on bail. The Applicant is being harassed by the police only because he had helped the main accused in securing bail.

5. Learned APP produced the investigation papers before me. The investigation papers contain the

supplementary statement of the first informant. It was recorded on 3.11.2023.

6. I have perused the investigation papers and I have also perused the supplementary statement. The supplementary statement of the informant makes a reference to the Applicant's name. It is mentioned that the main accused had given some of the bags of sugar to the present Applicant for sale. There is nothing further mentioned in the supplementary statement as to on what basis these allegations were made. There is no independent material to substantiate this. Even the co-accused has not implicated the present Applicant. The investigation is going on since October, 2023 and till today there is absolutely no material collected against the present Applicant. Therefore, on these vague allegations, the Applicant's custodial interrogation is not necessary. He can be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.524/2024 registered at Vaduj Police Station, District-Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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PRAKASHRAO
DESHMANE
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