

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

ANTICIPATORY BAIL APPLICATION NO. 945 OF 2024

Siddharth Pravin Madikhambe

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Bhomesh Bellam a/w. Karma Vivan for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 8 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.474 of 2023 registered at Loni Kalbhor Police Station, Pune, on 25.07.2023, under Sections 286, 379, 427 and 511 of the Indian Penal Code, Section 3 and 7 of the Essential Commodities Act, 1955, Section 15 and 16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and under Section 3 of The Prevention of Damage to Public Property Act, 1984.

2. Heard Mr. Bhomesh Bellam, learned counsel for the

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applicant and Smt. Mhatre, learned APP for the State.

3. Learned counsel for the applicant pointed out that the charge-sheet in this case is already filed. At that time, the applicant was not shown as an accused. The main allegations are against the applicant's father Pravin.

4. The prosecution case is that, the officers of the H.P.C.L. Company found that the accused had tampered with their pipeline on the channel No.172.3. They had fit some valve and they were drawing petrol and diesel from that pipeline. It was collected in the plastic tanks and then it was transferred to different tankers in an agricultural field and thereafter it was misappropriated. On these allegations the F.I.R. is lodged.

5. The charge-sheet story is also on the similar lines. The allegations against the applicant's father are that, he was the master mind of this offence and he had gained unlawful profit from this transaction. After the investigation the charge-sheet was filed. In that charge-sheet the applicant is not shown as an accused.

6. Learned counsel for the applicant submitted that the charge-sheet contains some bank statements. Now the police want to arrest the present applicant and, therefore, he is apprehending his arrest. He submitted that the applicant is a student and taking education of the course of BBA in a reputed university. He has his own bricks transport business and, therefore, to certain extent, he is also earning some amount. There is no heavy transaction in his bank account and yet he is being targeted because he is son of the main accused.

7. Learned APP does not have full instructions because the I.O. is not present. She relied on the statement made by his father U/s.27 of the Indian Evidence Act. Wherein, he had stated that, cash receipts in this offence were managed by his wife and the present applicant. Learned counsel pointed out that the main accused has two sons, therefore, it is not clear whether that statement was referring to the present applicant or to his brother. Learned APP further submitted that the balance-sheet, which is a part of the charge-sheet, shows total transaction, its total turnover and net profit in relation to the offence which is the subject matter

of this charge-sheet. Learned counsel for the applicant submitted that the applicant is in a position to explain his financial position to the investigating officer.

8. Considering both these submissions made by learned counsel for the applicant, as well as, by the learned APP, the applicant deserves one chance to explain his financial transactions to the investigating officer. For that purpose, he can be protected by way of ad-interim relief till the next date.

9. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.474 of 2023 registered at Loni Kalbhor Police Station, Pune, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 07/05/2024.
- iii) The Applicant shall attend the concerned Police Station from 24/04/2024 to 26/04/2024 between 1.00p.m. to 5.00p.m. and thereafter

shall as and when called and shall cooperate with the investigation.

iv) Stand over to 07/05/2024.

(SARANG V. KOTWAL, J.)