

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

ANTICIPATORY BAIL APPLICATION NO. 1792 OF 2024

Anil @ Rajendra Ramhari Bhosale	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Advait U. Shukla for the Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.

CORAM: MANISH PITALE, J.
DATE : 9th JULY 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant apprehends arrest in connection with FIR No. 0023 dated 22nd January 2024 registered at Vairag Police Station, Dist. Solapur, for offences under Sections 380 and 457 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel for the applicant submits that the applicant was not named as an accused in the FIR and his name has featured subsequently and the allegation against the named accused person is theft of equipments from a factory, including electronic batteries and motors, etc. During the course of investigation, the investigating authority found such stolen material had been further handed over to co-accused persons, including the applicant herein.

4. It is the case of the applicant that other than statement of the co-accused person alleging that part of the stolen material was with the applicant, there is hardly any material to connect the applicant with the incident in question. It is further submitted that Sessions Court rejected the application for anticipatory bail of the applicant mainly on the ground of criminal antecedents and that the stolen material was yet to be recovered. In that light, reliance was placed on a subsequent order passed in favour of the co-accused person, wherein relief was granted, recording that stolen articles have been seized by the Police under a *panchanama* from the co-accused person. On this basis, it was submitted that since no recovery may be necessary any longer, this Court may consider the present application favourably.

5. On the other hand, the learned APP submitted that the applicant has criminal antecedents and he is a habitual offender. He has been arraigned as accused for similar offences on earlier occasions also and while he claims to be a scrap dealer, he has been regularly dealing with such stolen articles. It is submitted that the material on record does not indicate that the entire stolen material has been recovered and therefore, this Court may not grant relief in the present application.

6. This Court has considered the material on record. Merely because the co-accused person has been granted bail, cannot be a ground for granting relief to the applicant before this Court. It is

to be noted that the investigating officer is resisting the prayer in the present application on the ground that the stolen material is to be recovered and the interrogation of the applicant is necessary to trace the stolen material, as also to ascertain as to the manner in which it was dealt with by the applicant. In this backdrop, it is found that the statement of the co-accused can be taken into consideration as it highlights the role of the applicant to the extent of the stolen material finding its way to the applicant.

7. In this backdrop, the antecedents of the applicant become crucial. It is found that on earlier occasions also the applicant has been arraigned as an accused in cases involving theft of material and such stolen material being found with the applicant, indicating that he has been dealing with stolen material earlier also, although he claims to be a scrap dealer.

8. No case is made for granting anticipatory bail. The application is dismissed.

MANISH PITALE, J.