

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1822 OF 2024

Pankaj Ankush Mohite	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Akshay Bhalerao for Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

Mr. Vinesh Rajaram Kokahi, Police Naik, Mahor Police Station, Palghar.

CORAM : MANISH PITALE, J.
DATE : JULY 15, 2024

P.C. :

. Heard Mr. Bhalerao, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0159 of 2024 dated 15.04.2024 registered at Manor Police Station, District - Palghar, for offence under Section 379 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant is a contractor, who has alleged that certain building material was stolen from the site for which the accused persons including the applicant are responsible and that the stolen material was taken away in three vehicles, including a tempo and Mahindra Pickup. Three accused persons have been already granted regular bail by the Magistrate.

4. The learned counsel for the applicant submits that the stolen material has been recovered and this is evident from the say of the investigating officer. It is further submitted that the applicant does not

have any criminal antecedents and since he is ready to co-operate with the investigation, no purpose would be served in taking the applicant into custody.

5. On the other hand, the learned APP submits that the applicant is specifically named in the FIR. It is submitted that the vehicles in which stolen material was taken away are yet to be seized and therefore, this Court may not show any indulgence to the applicant.

6. This Court has considered the material on record. In the statement of the informant, leading to registration of the FIR, although the details of the stolen material and the vehicles in which such material was taken away have been stated, insofar as the applicant is concerned, he has been named in an omnibus manner along with the other accused persons. There are no criminal antecedents of the applicant. The co-accused persons, who are granted regular bail, have criminal antecedents. It is specifically stated in the say of the investigating officer that the stolen material has been already recovered. Only the vehicles in which the stolen material was allegedly transported are yet to be recovered. Since the stolen material has been already recovered; the applicant does not have criminal antecedents; and no specific overt act as such has been attributed to the applicant, this Court is inclined to allow the present application as the applicant undertakes to co-operate with the investigation.

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

- A. In the event the applicant is arrested in connection with FIR No.0159 of 2024 dated 15.04.2024 registered at Manor Police Station, District - Palghar, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five

Thousand only] with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer on 18.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab