

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

Anticipatory Bail Application No. 1964 of 2024

Vijay Ratan Gaikwad
Aged about 35 years,
R/at. Rajwada, Vilholi Taluka
and District Nashik

...Applicant

Vs.

The State of Maharashtra
(At the instance of Senior Inspector
of Police, Kasara Police Station, Thane
Rural vide C.R. No.I-20 of 2024)

...Respondent

Mr. Nitin Sejpal a/w Ms Pooja Sejpal a/w. Akshata Desai, for the
Applicant.

Mr. Yogesh Y. Dabake, APP for the Respondent – State.
PSI D. Y. Kushare, Kasara Police Station, Thane is present.

Coram: R. N. Laddha, J.
Date: 31 July 2024

P.C.

. Heard Mr Nitin Sejpal, the learned counsel for the applicant and
Mr Yogesh Dabake, the learned Additional Public Prosecutor
representing the respondent – State.

2. This application has been filed by the applicant seeking
anticipatory bail in connection with CR No.I-20 of 2024, registered at
Kasara Police Station, Thane Rural, for the offences punishable under
Sections 379 and 511 of the Indian Penal Code.

3. According to the FIR, on 19.02.2024, around 11:00 p.m., four

unidentified individuals, in a dumper with registration No.MH-15-EY-8523 arrived at a highway bridge construction site with intention to commit the theft of the steel material lying nearby. Consequently, based on the construction site Manager's report an offence was registered against the unknown persons. During the investigation, the applicant was identified as the owner of the said dumper.

4. The learned Counsel for the applicant asserts that the applicant is innocent and has not committed any offence. The applicant, who owns a dumper, has been falsely implicated in this crime merely to harass him. The allegations against the applicant are vague, and there is an unexplained delay in filing the FIR. Furthermore, there is nothing to be recovered from the applicant. The dumper was seized and released by the learned Magistrate on supurtnama. The applicant is ready and willing to cooperate with the investigation.

5. The learned APP submits that the accused faces specific allegations. The four unknown persons arrived at the location with a dumper, intending to commit the theft of the steel from the highway bridge construction site. The investigation is in progress.

6. Upon perusing the records, it appears that the applicant is involved in the transport business and is the owner of the said dumper. The dumper was seized. Subsequently, by order of the learned Magistrate, it was returned to the applicant on supurtnama. There is nothing on record to suggest that the dumper was brought to the spot for committing the theft. No material was stolen from the location.

Consequently, there is no need to recover anything from the complainant. Considering the nature of the allegations against the applicant, the application is allowed in the following terms.

- (i) In the event of the applicant's arrest in CR No.I-20 of 2024, registered at Kasara Police Station, Thane Rural, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and report to the concerned police station as and when directed.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

7. The application stands disposed of.

R. N. Laddha, J.