



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.1203 OF 2025**

Shivsing Sandu Kakarawal
Age: 46 years, Occu.: Agri.
R/o. Nihalsinghwadi, Tq. Ambad,
Dist. Jalna. Applicant

Versus

The State of Maharashtra
Through Begampura Police Station,
Aurangabad. ... Respondent

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Mr. M.K. Bhosale, Advocate for Applicant
Mr. S.M. Ganachari, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 19 AUGUST, 2025
PRONOUNCED ON : 20 AUGUST, 2025

ORDER :

1. Applicant seeks anticipatory bail in connection with Crime No.0118 of 2024 registered with Begumpura Police Station, District Aurangabad for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant pointed out that, the FIR is registered against unknown person. That, there is delay of 21 days in

lodging the report. That, the applicant has been falsely implicated on the basis of the statement of a co-accused. That, there are allegations of theft of motorcycle. That, the applicant has nothing to do with theft. That, the applicant is ready to cooperate with the investigation machinery. For all above reasons, learned counsel seeks relief of anticipatory bail.

3. Learned APP opposed the application on the ground that, though the FIR is against unknown persons for committing theft of motorcycle, the arrested accused has named the present applicant also. It is further submitted that the investigation has revealed the theft of several motorcycles, and reports to that effect have been received at the police station. That, for the purpose of effective investigation, custodial interrogation of the applicant is necessary. For all above reasons, learned APP prays for rejection of the application.

4. Heard. Perused the FIR dated 26.04.2024, lodged at the instance of Shaikh Mohammad Shaikh Wasim, who reported that on 05.04.2024, he had parked his motorcycle near Ghati Hospital, but the same went missing and therefore, he lodged report of theft. Apparently, the FIR was registered against unknown persons. Papers show that one Harsingh Lalsing Gusinge was arrested on 27.05.2025, and he has allegedly

named the present applicant. Thus, as submitted, applicant's name has been cropped up from co-accused. Though the learned APP has submitted that several motorcycles have been stolen and reports to that effect have been received, further investigation in that regard can be carried out by securing the presence of the applicant. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicants in connection with No.0118 of 2024 registered with Begumpura Police Station, District Aurangabad for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code, he shall be released on executing PB. and S.B. of Rs.15,000/- with one surety in the like amount.
- (iii) The applicants shall attend the concerned Police Station on every Saturday and Tuesday, till filing of the charge-sheet and shall co-operate in the investigation.
- (iv) The applicants shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**