



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 ANTICIPATORY BAIL APPLICATION NO. 1869 OF 2024

BAJIRAO KISAN SATHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K. S. Solanke h/f S. J. Naik, Advocate for Applicant
Mr. S. B. Jadhav, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 6th JANUARY, 2025

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 26/2024, registered with Wadwani Police Station, Dist. Beed for the offence punishable under Section 379 of the Indian Penal Code.
2. The first information report indicates that informant is the owner of tractor bearing No. MH 25 H 5905, engine No. PY3029D303474 and chassis No. PY5204B015961. On 07/02/2024 at about 2.00 p.m. when he went to the spot, he did not find the tractor head but only tractor trolley was there. He was not aware as to who has stolen the tractor and hence offence came to be registered against unknown person.
3. Learned counsel for the applicant submits that offence is registered against unknown person. He further submits that the applicant

is falsely implicated in this crime for the reason that the informant owes money to the applicant. According to him to prevent applicant from recovering the said money, he is falsely implicated in crime.

4. Learned APP opposed the application by placing reliance on statement of witness who has found present applicant being seen riding the said tractor on 04/03/2024. He also has pointed out to the statement of another witness who has seen the tractor being taken by 2-4 person who came in a white colour car. He also states that after obtaining interim relief, applicant has not co-operated in the investigation and in fact he has never attended the police station. On these ground also application deserves to be dismissed.

5. Though in the first information report is against unknown person, however, the statement of eye witness who has seen the tractor being taken away by four persons. This clearly shows that the tractor was taken from the spot without consent of the informant who is the owner thereof. Thus, offence of theft is *prima facie* made out. The statement of another witness indicates about he had seen the present applicant driving the said tractor belonging to the informant after registration of FIR. Thus, there is *prima facie* material on record to show in nexus of the applicant with the crime and that he has possession of tractor. Apart from this having regard to the case sought to be made out

by the applicant that the informant was owing money to him, this Court finds substance in the contention of the learned APP that the possibility of the applicant having stolen the said tractor for the purpose of recovery of the amount is not ruled out. Since, there is *prima facie* evidence to show that the applicant is in possession of stolen tractor, his custodial interrogation is necessary for recovery of the same. Involvement of others also can be ascertain from his interrogation.

6. As a result of above discussion, this is not a fit case to grant pre-arrest bail. Hence, application stands dismissed.

(R. M. JOSHI, J.)

ssp