

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3550 OF 2024**

Nikhil Subhash Davare

...Applicants

VERSUS

State of Maharashtra

...Respondent

....

Mr. Nitin Wankhede a/w Mr. Hemraj Kilawat, Advocate for the Applicant.

Ms. P. S. Rane, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.

DATE : 20.01.2025.

P.C.:

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No.296 of 2024 registered at Vaduj Police Station District-Satara for the offence punishable under Section 379 of the Indian Penal Code.
3. The informant is police constable. On the date of incident which took place in the intervening night of 14.5.2024 and 15.5.2024 he was on patrolling duty. At about 4:00 am, he saw that truck bearing registration No. MH-11-DD-7570 was over-speeding and thus he followed the said truck. The driver of the truck realizing that he was being chased by the police, abandoned the truck at one place. It is alleged that search of the truck was taken and it was found to be illegally transporting one brass of sand. The present applicant is the registered owner of the said truck.

4. I have heard learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the truck in question was already sold to one Tejas Jadhav. It is submitted that the applicant has nothing to do with the alleged crime. The learned counsel submits that nothing is to be recovered at the instance of the applicant and therefore there is no need of custodial interrogation. It is submitted that the applicant may be therefore released on anticipatory bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in four more crimes of similar nature. It is submitted that the applicant has not produced on record any document in support of his defence. It is submitted that considering the criminal antecedents of the applicant, he may not be released on anticipatory bail.

7. It is not disputed that on the date of alleged incident the applicant was the registered owner of the truck in question. Nothing is produced on record in respect of the alleged sale to Tejas Jadhav. The applicant is involved in the four more crimes of similar nature. If the applicant is released on anticipatory bail, he would not hesitate to commit another crime of similar nature. In that view of the matter, I am not inclined to release the applicant on anticipatory bail. Hence, the Application is rejected.

(N. R. BORKAR, J.)