

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 716 OF 2019

Ramnarayan Nathuram ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.R.M. Haridas a/w. Ms.Divya Arvind Pawar i/b. Ms.Anusha Amin for Applicant.

Mr.S.S.Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 26th March 2019.

P.C. :

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with BDTS/ C.R. No. 05 of 2019 dated 11/03/2019 registered with Railway Police Force, Western Railway, Office at Bandra Terminus, Bandra (East), Mumbai, for the offence punishable under Section 3 of the Railway Property (Unlawful Possession) Act, 1966.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] It is the case of the prosecution that, on 11th March 2019, the Railway Police Force accosted accused No.3 Annubhai @ Anwar, while loading goods belonging to the railway's in a truck. During the course of preliminary interrogation, the said accused No.3 Annubhai @ Anwar revealed that, he was informed about the said goods by the applicant herein and the said goods were to be sold to accused No.2 Amarsingh Mundawal. The applicant is working in the godown as an employee of the Railway's situated at Bandra Terminus.

4] The learned counsel for the applicant submitted that, there are 18 persons working at the said Depot at Bandra. It is submitted that the name of the applicant is not mentioned in the first information report, as the applicant has nothing to do with the present crime. It is submitted that the goods were recovered outside the godown of the railway and this also shows that the applicant has no role to play in the crime. It is, therefore, prayed that the application may be allowed by protecting the pre-arrest bail.

5] The record indicate that during the interrogation of accused No.3 Annubhai @ Anwar, has revealed the name of the applicant as the person who is associated with the said crime. The goods pertaining to

the railway authorities were found outside the godown and in a tempo belonging to accused No.1 Jayram Chaurasiya, itself indicates that the said goods were moved out of the custody of the railway authorities. The applicant being employee of the railway and was posted at the godown, apart from having lawful duty, it was his fiduciary duty also to protect the railway property.

Perusal of the record of investigation *prima-facie* indicates that, there is sufficient material to show the complicity of the applicant in the present crime.

6] In view of the above and after taking into consideration the gravity of the offence and the serious allegations against the applicant, this Court is of the opinion that the applicant does not deserve to be protected by pre-arrest bail.

7] Application is, accordingly, rejected.

[A.S. GADKARI, J.]