

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1349 OF 2015

Shri Shital @ Sanket Surendra Kanade ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Amin Solkar i/b. Misbaah Solkar for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 21, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.62 of 2015 registered with Hupari Police Station, Kolhapur, for the offence punishable under Section 381, 411 r/w, 34 of the Indian Penal Code.
2. Heard Mr. Solkar, the learned counsel for the applicant. He has submitted that the applicant is not involved in committing the alleged crime. He has further submitted that the allegations in the FIR are mainly against one Amar Sanjay Shete for committing theft

of silver articles from Rajesh Jewellery Shop at Hupari, wherein he was employed as salesman. The learned Counsel for the applicant has submitted that the allegations against the applicant are mainly that he had received the stolen goods. He has stated that the applicant has already reported to the Investigating Officer as per the order of this court in Interim Bail and that the presence of the applicant is not required for further investigation.

3. The learned APP has submitted that the applicant is the cousin of said Amar Shete and that the applicant is also involved in committing theft of the said stolen articles. The learned APP has further submitted that the applicant is not co-operating with the investigation. She has submitted that the stolen articles are not yet recovered, hence the presence of the applicant is required for custodial interrogation.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The records prima facie reveal that one Shri Pravin Raavsahab Ratnaparkhi working as Manager of Rajesh Jewellers had registered FIR dated 14.7.2015 alleging that he had

noticed that there was a shortfall in the jewellery stock since May-June 2015. The owner of the said jewellery shop inquired with Amar Shete about the said shortfall. However, he did not give any satisfactory reply. Subsequently, they learnt that said Amar Shete had stolen the silver items worth Rs.1,68,500/- from the said jewellery shop. It is alleged that the said Amar Shete had also informed them that he had sold the silver ornaments to the applicant herein. On the basis of the said allegations the aforesaid crime came to be registered against Amar Shete and the present applicant.

5. The records prima facie reveals that the house of the applicant was already searched and no incriminating material was recovered from the house of the applicant. The records further reveal that by order dated 22.7.2015 the Addl. Sessions Judge, Ichalkaranji had directed the applicant to attend the police station on 24th and 25th July, 2015. The interim order passed by the learned Sessions Judge was continued by this court by order dated 9.9.2015. The applicant was directed to make himself available for interrogation and investigation as and when required by the Investigating Officer. The learned Counsel for the applicant has submitted that the applicant

had already reported to the police station on 24th and 25th July, 2015 in compliance of the order dated 22.7.2015. The copy of the case dairy placed before me does not indicate that the applicant herein was interrogated on the said two dates. There is no entry in the case dairy as regards the investigation conducted on 24th and 25th July, 2015. The record also does not indicate that the Investigating Officer had directed the applicant to remain present in the police station on any further date as directed by this court vide order dated 9.9.2015. In such circumstances, the prosecution cannot now say that the applicant is required for custodial interrogation.

6. Considering the above facts and also considering that the main allegation against the applicant is that he has received the stolen property, for which the maximum sentence is three years, in my considered view, the applicant is entitled to be released on bail on certain terms and conditions. Hence the order.

i) In the event of arrest of the applicant in Crime No.62 of 2015 of Hupari police station, Kolhapur, the applicant be released on bail on the applicant furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one solvent surety in the like

amount to the satisfaction of the learned JMFC, Ichalkaranji.

- ii) The applicant shall report to the Investigating Officer for seven days between 11 a.m. to 2.p.m. from the date of receipt of this order and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicant shall not leave Kolhapur District till filing of the chargesheet, without prior permission of the JMFC, Ichalkaranji.

(ANUJA PRABHUDESSAI, J.)