

Anand

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

ANTICIPATORY BAIL APPLICATION NO.817 OF 2015

1. Atul Himatlal Parekh .Applicants
2. Aarti Atul Parekh

v/s.

The State of Maharashtra .Respondent

Mr.Prem Keswani a/w. Mr.Ashok Mishra &
Mr.Pradeep Dubey i/b. Solicis Lex, Advocate, for
the Applicants

Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.09.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
165 of 2015 registered with the Sion Police
Station, Mumbai, for the alleged offences
punishable under Section 406 r/w. 34 of the

Indian Penal Code, 1870.

3. The applicant No.1 is the son of the complainant and the applicant No.2 is the daughter-in-law. It is alleged by the complainant in the FIR lodged on 09.05.2015 that she had given her jewellery to the applicants for safe custody and that the applicants failed to return the same.

4. Learned counsel for the applicants states that pursuant to the FIR, the applicants have returned part of the jewellery on 19.05.2015 and the balance on 05.06.2015. He submits that the same is recorded vide panchanamas dated 19.05.2015 and 05.06.2015. He submits that the complainant had applied for return of the said property and the said jewellery has been returned to the complainant.

5. Considering the nature of allegations and the relations between the parties and the fact that the articles have been returned to the complainant, the applicants are granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicants be enlarged on bail on their furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two solvent sureties in the like amount;

(ii) The applicants shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are confined to this application and

the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)