

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

CRIMINAL BAIL APPLICATION NO. 2194 OF 2015

Jayantilal Tejraj Jain

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr. Hitesh Jain with Mr. Prasanna Bhangale i/b. ALMT Legal for the Applicant

Mrs. Veena Shinde, APP for the Respondent-State.

Mr.S.R.Kate, API, Dighi Police Station, Pune is present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 24, 2015.**

P.C.

1. This is an application for bail filed by the applicant who is arrested in C.R.No. 309 of 2014 for offence which was initially registered for the offence under Section 396, 397 of the Indian Penal Code and subsequently, Section 201, 412 of Indian Penal Code had been added.

2. Heard learned counsel for the applicant and the learned APP for

the State.

3. The learned Counsel for the applicant submitted that the FIR was registered on 24th September, 2015. The accused no.1 to 5 were arrested on 3rd October, 2015 and the present applicant came to be arrested on 8th October, 2015 for having received the stolen the property. The applicant was in custody and was thoroughly interrogated. Learned Counsel for the applicant submitted that there is no prima facie material to show the involvement of the applicant in the said crime.

4. The learned APP submitted that staetment of one of the witness Lokhande prima facie shows that the he had introduced accused no.5 to the present applicant. She has submitted that the statement of said Lokhande prima facie reveals that the applicant had received the stolen property and she submitted that considering the gravity of the offence, the applicant should not be released on bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that one Shri Chiranjilal Trivedi had lodged a report on 24.9.2014 that there was a theft in the Balaji

Temple and the adjoining bungalow. He had given the details of the articles which were stolen from the temple and the adjoining bungalow. Based on the said FIR, crime came to be registered against four to five unknown persons. In the course of investigation the accused nos.1 to 5 came to be arrested on 3.10.2015.

6. The records reveal that one of the witnesses Lokhande had stated that he had introduced accused no.5 to the applicant herein. Accordingly, notice under Section 169 was issued to the applicant herein, and the applicant had appeared before the Investigating Officer on 6th and 7th October, 2015. The applicant came to be arrested on 8th October, 2015. He was remanded to police custody. However, no incriminating material was recovered at the instance of the applicant. Presently, the applicant is in Judicial Custody and his presence is no longer required for the purpose of investigation. The applicant is a permanent resident of Dapodi, Pune. He is having jewellery shop at Dapodi, Pune. There are no chances of the applicant absconding.

7. Considering the above facts, so also considering the nature of the allegations levelled against the applicant, in my considered view

the applicant is entitled for bail. Hence the bail application is allowed on the following terms and conditions:

- i) The applicant be released on bail on the applicant furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent surety/ies in the like amount to the satisfaction of the learned JMFC Khadki, Pune.
 - ii) The applicant shall report to the Investigating Officer on first Saturday of every month at 10 a.m. to 1.p.m. till filing of the chargesheet.
 - iii) The applicant shall not leave Pune District till the filing of the chargesheet without prior permission of the Court.
- . Parties to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)