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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1492 OF 2016

Joshna Suraj Kachawai and anr	 Applicants
V/s.	
The State of Maharashtra	 Respondent

Mr. Anand Patil, for the Applicants.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 28th JULY, 2016.

P.C. :

1. Applicants/accused, in Crime No.272 of 2016, for the offence punishable under Sections 380 read with Section 34 of the Indian Penal Code, registered with Ratnagiri police Station, by this application, are praying for releasing them on bail.
2. Heard the learned counsel appearing for the applicants. He argued that the F.I.R. of the incident dated 17.08.2015, came to be registered belatedly on 1st June, 2016. The learned counsel argued that there is no iota of evidence to connect applicants to the crime in question and major part of investigation is already over.
3. The learned APP submits that applicants are involved in

several offences of similar nature and there is CCTV footage which shows their complicity in the crime.

4. Perused the papers of investigation including the F.I.R, lodged by Santosh Khedekar, the owner of Khedekar Jewellers at Ratnagiri. In the F.I.R., it is seen that on 17.8.2015, initially two women came to his shop for purchasing Mangalsutra. After five minute, a couple came for purchasing gold chain. Without purchasing anything, the couple left. The informant averred that couple had stolen gold chain and this incident is captured in CCTV camera.

5. It is, thus, clear that avernments are against the couple who came for purchasing articles in the jewellery shop. At the same time, two female customers were also present in the shop. The papers of investigation show that Compact Disc of CCTV footage came to be seized. The spot panchnama also show that female from the couple had stolen gold chain. Prima facie it appears that at the same time, both the applicants were also present in the shop. The CCTV footage shows commission of theft by female member of the couple.

6. It appears that merely because several offences came to be registered against both applicants, they are implicated in the crime in question. Considering the nature of evidence against applicants, their further pre-trial detention is not warranted and therefore, the following

order.

Order

- I) The application is allowed.
- II) Applicants arrested in connection with above crime, be released on bail on their executing P.R. Bonds in the sum of Rs.40,000/- by each of them and on their furnishing sureties in the like amounts, by each of them.
- III) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) Applicants shall not tamper with the prosecution evidence in any manner.
- V) Applicants shall attend the trial scrupulously and shall cooperate the trial Court in expeditious disposal of the case.
- VI) The applicants shall not repeat commission of similar offence in future.

[A. M. BADAR, J.]