

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1475 OF 2018

Kalu Singh Nahar Singh Dasana

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Anandini Fernandes for the Applicant.

Mr. Ameet Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th AUGUST, 2018.

P.C.:-

The applicant was granted interim relief by order dated 25th July, 2018.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The prosecution case in brief is that, the principal accused Smt. Bharati was working in the house of the first informant as a maid-servant. Smt. Bharati committed theft of ornaments and other valuable articles approximately amounting to Rs.22,85,000/- from the house of the informant. It is alleged that, the said Smt. Bharati with the help of co-accused Smt. Seema Kokare, thereafter sold ornaments weighing approximately 22 Tolas, to the Applicant who was working

with Shivshakti Jewelers, Maharashtra Nagar, Mankhurd, Mumbai.

The co-accused Smt. Bharati and Smt. Seema Kokare have been arrested by the police and during the course of their custodial interrogation, the role of the Applicant has been emerged on the record. After completion of investigation, the police have submitted charge sheet as against co-accused Smt. Bharati and Smt. Seema Kokare. The police are seeking custody of the Applicant for the recovery of the said gold ornaments weighing approximately 22 Tolas.,

4 The learned counsel for the Applicant submitted that, there is a CCTV fixed in the said shop and the CCTV footage of that particular day would clearly exonerate the Applicant from the alleged act of purchase of gold ornaments from the accused Smt. Seema Kokre. She submitted that, as a matter of fact, the said Smt. Seema Kokare had been to the shop of the Applicant for sale of the jewelry, but when the Applicant questioned her about the receipts of purchase of the said ornaments, Smt. Seema Kokare took the ornaments back by informing the Applicant that she will come with the necessary documents and therefore, there is no question of the Applicant retaining the said documents.

The learned counsel for the Applicant further submitted that, in view of the CCTV footage, the custodial interrogation of the Applicant is not necessary and the Applicant may be granted pre-arrest bail.

5 The record indicates that when the Investigating Officer had been to the shop of the Applicant for the purpose of investigation, the Applicant called the office bearers of the Jewelers Association at the said spot and thereafter created ruckus and did not allow the Investigating Officer to perform his lawful duty. The record of investigation further indicates that, the Applicant did not co-operate with the investigating Agency in the interregnum and therefore, the investigation qua the Applicant could not be completed. The police are yet to recover the said substantial quantity of the gold ornaments involved in the crime from the Applicant and the same is not possible without there being thorough interrogation of the Applicant.

6 The allegations against the Applicant i.e. of receiving stolen property so also not permitting the police officer in performing his lawful duty are undoubtedly serious in nature and requires thorough investigation.

7 In view of the above and after taking into consideration

the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

8 Application is accordingly rejected.

(A.S. GADKARI, J.)

S S
Mashalkar

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by S S Mashalkar
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