

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 657 OF 2019

Mangala Manohar Dhome	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.R. Gaud for Applicant.
Ms.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th March 2019.

P.C. :

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. I-45 of 2019 dated 19/02/2019 registered with Chitalsar Police Station, District Thane, for the offence punishable under Section 381 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The First Investigation Report is lodged by Ms.Snehal C. Amberkar.

It is the case of the prosecution that, the first informant and her husband both were working in different companies. The first informant had employed Smt.Reshma Mahadik (co-accused) as a cook and Smt.Jayshree Ahire as a maid servant. That by taking undue advantage of the situation Smt.Rekha Mahadik (co-accused) committed theft of gold ornaments from the cupboard of the first informant. In the premise, the F.I.R. is lodged.

4] The learned counsel for the applicant submitted that the applicant has neither concerned with the first informant nor with the co-accused Smt.Reshma Mahadik. It is submitted that the applicant has been falsely implicated in the present case at the instance of co-accused Smt.Reshma Mahadik. It is submitted that the applicant is a lady and therefore, she may be protected by the pre-arrest bail by allowing the present application.

5] I have perused the record of investigation. The record indicates that, the applicant is the instigator and abettor of co-accused Smt.Reshma Mahadik. The applicant had abetted Smt.Reshma Mahadik for committing the present crime. It *prima-facie* appears that, the co-accused Smt.Reshma Mahadik initially did not have intention to commit

the theft. However, as the applicant directed her to do so, she has committed it. The record further indicates that after commission of theft of the gold ornaments, part of the ornaments are taken away by the applicant. The said ornaments taken by the applicant are yet to be recovered and the same is not possible without their being thorough interrogation by the police.

6] In view of the above and after taking into consideration, the serious allegations against the applicant and gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

Application is, accordingly, rejected.

[A.S. GADKARI, J.]