

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

ANTICIPATORY BAIL APPLICATION NO.663 OF 2020

S. Madhusudan Thakkar	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.P.A. Pol i/b. M/s.Pol Legal Juris, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

API V.J. Pisal NRI Coastle Police Station, Navi Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 18, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.65 of 2020, registered with NRI Sagari Police Station, Navi Mumbai, for the offences punishable under Sections 380, 454 and 413 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged by the complainant on 17th February, 2020.

3 It is the case of the prosecution that the theft was

committed in the house of the complainant and gold ornaments of Rs.5,33,000/-, were stolen. In pursuant to registration of FIR, the accused involved in theft was arrested. At the instance of the said accused, gold worth Rs.2,51,000/-, was recovered. The prosecution case is that during the interrogation of the arrested accused, he had disclosed that the balance ornaments of the theft were handed over to the applicant.

4 Applicant had preferred an application for anticipatory bail before the Sessions Court, which has been rejected.

5 The contention of the applicant is that the applicant has been falsely implicated in this case. There is no other case registered against him. Applicant was acquainted with the accused due to transaction of sale of two wheeler. Except evidence of the co-accused, there is no evidence to show his complicity in the crime. It is submitted that there are discrepancies in the evidence. The prosecution is relying on the statement of wife of the applicant. However, there are differences between the applicant and his wife and she had tried to give false incriminating evidence against the applicant. Applicant is willing

to co-operate with the investigation. The house of the applicant was visited on 20th February, 2020, and the applicant was directed to report the police station. Applicant has co-operated with the investigation.

6 Learned APP submitted that there is sufficient evidence against the applicant. The arrested accused, during interrogation has disclosed the complicity of the applicant and furnished details as to how the applicant is involved. Statement of applicant's wife is also recorded, which also supports the prosecution case, showing the involvement of the applicant.

7 On perusal of the FIR, police report and the investigating papers, it is apparent that the investigation discloses the complicity of the applicant in the crime. There is sufficient evidence to show the involvement of the applicant. Although statements of the co-accused is not admissible in evidence, the investigation and interrogation reveals the involvement of the applicant. Statements of other witnesses also supports the prosecution case. In view of this, no case for grant of anticipatory bail is made out. Anticipatory Bail Application No.663 of 2020, is rejected.

(PRAKASH D. NAIK, J.)