

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

CRIMINAL BAIL APPLICATION NO.3575 OF 2019

Manish Ravindra Sonar

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Tushar N. Sonawane, for the Applicant.

Smt. Veera Shinde, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 15th January, 2020

P.C.:

1. The applicant is arrested in connection with C.R.No. I-200 of 2019, registered with Chhavani Police Station, Malegaon, under Sections 392, 395, 120(B), 411 r/w 34 of the Indian Penal Code.

2. The First Information report was lodged on 19th October 2019. It is alleged that, the complainant was carrying gold and silver ornaments on 18th October 2019 by putting in bag. He was proceeding by Honda Activa. The ornaments were kept in a dickey of the vehicle. He was accosted by the accused and they took away the ornaments. The description of the ornaments have been mentioned in the First Information Report. It is stated that the complainant was carrying 140 grams gold (10 items) worth

Rs.3,64,000/-, 250 grams gold (36 items) worth Rs. 6,50,000/- and In fact Rs.30,000/- value is of Honda Activa. The gold was around worth Rs.10,44,000/-. During the course of investigation the applicant is arrested on the basis of memorandum statement of the co-accused. Gold 644 grams 31 ml was recovered from the applicant. Prosecution case is that, the co-accused had sold the said ornaments to the applicant. The applicant is being charged as receiver of stolen property. He is not concerned with the robbery.

3. Learned counsel for the applicant submitted that, the applicant is in custody from 17th November 2019. The entire gold ornaments allegedly sold to him by the co-accused were recovered. Further detention is not called for.

4. Learned APP submitted that, supplementary statement of the complainant was recorded. In the supplementary statement the complainant has stated that, the accused had taken away ornaments which were more than mentioned in FIR. It is further submitted that, several ornaments are yet to be recovered from the applicant. It is submitted that, there are receipts showing that, the complainant was in possession of the gold stated in FIR as well as supplementary statement. What is recovered from the applicant is only 64 tolas. The balance ornaments are required to be recovered.

5. I have perused the First Information Report and the seizure panchanama. In the FIR, the complainant has given description of the ornaments which were allegedly robbed from his custody. It is categorically stated that, 140 grams gold (neckless, 10 items) worth Rs. 3,64,000/- and 250 grams gold (ear rings, 36 items) worth Rs.6,50,000/- were taken away by the accused. The value of the said ornaments was to the tune of Rs.10,44,000/-. The gold ornaments were recovered from the applicant were 64 tolas. It is the case of the prosecution that, the accused sold the ornaments and received amount of Rs.13,00,000/- towards the sale of gold. The applicant is in custody from the date of arrest. Presently, he is in judicial custody. The alleged additional ornaments were not recovered. In these circumstances further detention of the applicant is not called for.

ORDER

- (i) Bail Application No. 3575 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No. I-200 of 2019 registered with Chhavani Police Station, Malegaon, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report concerned police station once in a month on every first Saturday between 10:00 a.m. to 12.00 noon till further order.

(iv) The observations made in this order are prima facie for considering application for bail and the trial Court shall not be influenced by the same during trial.

(v) Bail Application No.3575 of 2019 stands disposed of.

(PRAKASH D. NAIK, J.)