

PMB

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

ANTICIPATORY BAIL APPLICATION NO.186 OF 2020

Meenakshi Umesh Tawade and anr. .. Applicants
VS.

The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO.639 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.186 OF 2020**

Karishma Anil Shinde .. Applicants

IN THE MATTER BETWEEN

Meenakshi Umesh Tawade and anr. .. Applicants
VS.

The State of Maharashtra .. Respondent

Mr. Ashish R. Dalvi for the applicants in ABA/186/2020.

Mr. Ranjit H. Patil i/b. Mr. K. T. Pawar for the applicant in
IA/639/2020.

Smt. M.R. Tidke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 10, 2021

P.C.:-

1. Heard learned counsel for the parties.
2. This is an application for pre-arrest bail in respect of an offence punishable under Section 379 of Indian Penal Code (hereinafter referred to as the 'IPC' for short) registered vide C.R. No.I-714 of 2019 with the Kolsewadi Police Station, Kalyan.

3. The facts briefly stated are thus :-

The date of the incident is 22.12.2019. The applicants are the cousin sisters of the complainant. The family members gathered for a ritual of baby shower at the residence of the applicants brother. The complainant realised at around 12.25 a.m. that some gold ornaments and cash amount of Rs.20,000/- is missing from her purse. The complaint was lodged on 30.12.2019 against unknown persons under Section 379 of IPC. The statement of the daughter of the complainant is recorded on 23.12.2019, which is mentioned in the remand application dated 16.01.2020. According to her, she saw the applicants removing the gold ornaments and cash from the purse of the complainant.

4. The applicants and the complainant are cousin sisters and all of them had gathered for a family function at the residence of the applicants brother. Though the incident is of 22.12.2019, the FIR is lodged on 30.12.2019. Even though it is stated that daughter of the complainant had seen the applicants removed the gold ornaments and cash which statement was recorded on 23.12.2019, in the FIR lodged on 30.12.2019 the same is registered against unknown persons.

5. By an order dated 23.01.2020, this Court had granted interim protection to the applicants. The applicants were directed

to report the concerned Police Station as and when called. There is nothing on record to indicate that the applicants did not co-operate with the investigation. Learned counsel for the applicants submits that the applicants are willing to co-operate with the investigation.

6. Learned counsel for the applicants, on instructions, further submitted that to show the bonafides of the applicants, they are willing to deposit a sum of Rs.2 lakhs which is stated to be approximate value of the gold ornaments stolen.

7. Learned APP opposed the application.

8. Learned counsel for the complainant though initially resisted the application, however, on instructions, submitted that in view of the close family relations which the parties have, the complainant would be satisfied if the value of the gold ornaments is secured.

9. Considering the delay in lodging the FIR that too against the unknown persons, and in view the reasonable stand taken by the complainant to the applicants showing their willingness to secure the amount, in my opinion, the custodial interrogation of the applicants is not required and interest of justice would be served if the applicants are directed to co-operate with the investigation and report to the Investigating Officer as and when called.

10. Learned counsel for the applicants submitted that they are facing financial difficulties on account of ill health of a family member, hence seek eight weeks time to deposit the amount of Rs.2 lakhs in the trial Court. The request made is reasonable and not seriously opposed by learned counsel for the complainant.

11. Hence, the following order :-

ORDER

(i) The interim protection granted by this Court on 23.01.2020 stands confirmed.

(ii) In the event of arrest of the applicants in C.R. No.I-714 of 2019 registered with Kolsewadi Police Station, they shall be released on bail on furnishing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand only) each with one or two sureties in the like sum.

(iii) The statement made on behalf of the applicants that they will deposit a sum of Rs.2 lakhs in the trial Court within a period of eight weeks from today is accepted as an undertaking to this Court. The said deposit shall abide by the decision of the trial Court.

(iv) The applicant shall report to the Investigating Officer on 21.12.2021 and 22.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

(v) The applicants to co-operate with the investigation.

(vi) The applicants shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

(vii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

12. The Anticipatory Bail Application is disposed of.

13. In view of the disposal of the anticipatory bail application, nothing survives for consideration in the Interim Application. The Interim Application is disposed of accordingly.

14. Liberty to apply.

(M.S. KARNIK, J.)