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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1265 OF 2021**

SANDEEP CHANGOJI GAIKWAD

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**WITH**

**INTERIM APPLICATION NO. 1953 OF 2021**

**IN**

**ANTICIPATORY BAIL APPLICATION NO. 1265 OF 2021**

GIRISH PANDURANG KARHADKAR

....INTERVENER

IN THE MATTER BETWEEN

SANDEEP CHANGOJI GAIKWAD

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Dr. Abhinav Chandrachud i/b Premkumar Pandey for the applicant.

Mr. Sayaji Nangre for the intervener in IA.

Mrs. J. S. Lohokare APP for the State.

**CORAM : NITIN W. SAMBRE, J.**

**DATE: 6<sup>th</sup> OCTOBER, 2021.**

**P. C.:**

1] In Crime No.54 of 2021 punishable under Section 381 (theft), Applicant is seeking pre-arrest bail.

2] Prosecution case against the Applicant is, Girish and his wife Chhaya, both are employed and, as such, hired a maid Sarika. They have shifted to their new residence and stored all their valuables such as jewelry, cash etc. in Wooden Safe in cupboard. Cash and jewelry around 45.8 Tolas are stolen. As such, the offence in question.

3] Dr. Chandrachud, learned Counsel for the Applicant submits that in the FIR, complainant initially named suspected persons working in the house. According to him, specific allegations are against maid Sarika who was aware about the entire house and storage of valuables. He would claim that Applicant is falsely implicated in the crime in the absence of any basis. It is further claimed that Applicant was not having any access to the new house of the Applicant and that being so, Applicant is entitled to be released on bail.

4] Learned APP would support the order of the Sessions Court rejecting bail and would urge that Applicant, during interim protection, has not cooperated with the Investigating Officer.

5] Considered submissions.

6] Statement of witness Dolly specifically named Applicant as a regular visitor and surveyor in the new house. Applicant used to observe and survey various arrangements in the house during his visit. Applicant's visit to the place of offence during the period of offence could be inferred even from CCTV footage of the building in which theft has occurred. From the statement of aforesaid witness, it is apparent that Applicant was aware about location of Safe and also storage of jewelry.

7] Apart from above, there are two similar antecedents in recent past against the Applicant as is brought on record by the Applicant himself. Applicant is shown to be not cooperating with the Investigating Officer

8] During interim protection, Applicant appeared before the Investigating Officer and stated that he has not visited the place of offence. However, from CCTV footage, said statement of the Applicant that he has not visited the place of offence, is found to be false as CCTV footage depicts that Applicant visited the place of offence on 08/02/2021, 10/02/2021 and 26/02/2021 and was found to be moving around the said place in suspicious manner.

9] In the aforesaid backdrop, considering past criminal antecedents of similar nature, statement of witnesses, acquaintance of the Applicant and regular visits of the Applicant to the place of occurrence of offence as also CCTV footage prompt this Court to infer that Applicant is involved in the offence.

10] In that view of the matter, Application stands rejected.

11] Interim protection since is operating, same is continued for a period of two weeks.

12] In view of above, Interim Application stands disposed of.

( NITIN W. SAMBRE, J. )