

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2115 OF 2021

Mrs.Suvarna Santosh Kashid	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Lavkush Sharma, Advocate, for applicant.
Mr.S.R.Agarkar, APP, for State.
API Inamdar, Dindoshi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th September 2021

PC :

1. The applicant is seeking pre-arrest bail in CR No.622 of 2021 registered with Dindoshi Police Station for offence u/s.380 of Indian Penal Code.

2. The case of the complainant is that the applicant was working as maid servant in her house. Since her father was not keeping well, the complainant left the house on 7th May 2021 for going to Kolkata. She returned from Kolkata on 20th June 2021. After entering in the house she found that the musical instrument in the house were missing. She also noticed that some other articles were also missing. The value of those articles were around Rs.2.87 lakh. Since she was busy, she could not lodge the complaint immediately and the FIR was registered on 28th July 2021.

3. The contention of applicant is that she has been falsely implicated in this case. There is delay in registering the FIR. The

applicant has been working with complainant since one month. The applicant has been working as maid servant in the house of various other persons since five years and with complainant for about a period of one month.

4. Learned APP submitted that the applicant was working as maid servant. Her acts and movements were suspicious. The applicant has not noticed that on the day when she left the house for Kolkata, the applicant had removed her articles in suspicious manner. The complainant used to keep keys of house and car at a specific place. There is reason to believe that the applicant took away the key of house. Learned APP further submitted that theft was committed in the house by using the said key. One key was missing. Thus, the custodial interrogation of the applicant is necessary to recover articles.

5. It is pertinent to note that the version of complainant is that she left the house on 7th May 2021 for Kolkata and returned from Kolkata on 20th June 2021. The FIR was registered on 28th July 2021 after a period of more than a month from the date of her return from Kolkata. Supplementary statement alleges that on 7th May 2021 when the complainant had left the premises, the movements of applicant were suspicious. It is pertinent to note that if the complainant found the acts and movements of the applicant suspicious, then she would have implicated the applicant as an accused in complaint dated 28th July 2021. The FIR was registered belatedly against unknown persons. In these circumstances, the applicant cannot be subjected to custodial interrogation and case for grant of anticipatory bail is made out. Hence, I pass following order:

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.622 of 2021 registered with Dindoshi Police Station, the applicant be released on bail on her executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 13th, 14th and 15th September 2021 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST