

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2284 OF 2021

Rijeesh Vishwanath Varma

Applicant

versus

The Senior Inspector of Police,
LT Marg Police Station and another

Respondents

Mr.Taraq Sayed with Vineeta Dande i/by Mr.Swapnil Wagh, Advocate
for applicant.

Mr.R.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th September 2021

PC :

1. This is an application for anticipatory bail in CR No.495 of 2020 registered with L.T.Marg Police Station, Mumbai for offences under Sections 408 and 34 of Indian Penal Code.

2. The FIR was registered on 31st July 2020. The case of complainant is that he along with others was arrested in CR No.352 of 2019 registered with L.T.Marg Police Station for offences under Sections 306, 201, 34 of IPC. It was a case of suicide committed by one of the employee of the complainant. After he was released on bail, the complainant noticed that gold ornaments weighing 1,375 grams were missing. He visited Police Station on 6th December 2019. The complainant also watched CCTV footage and found the activities of the accused to be suspicious. They were seen handling the parcel of gold ornaments. They were also found making certain gestures. The applicant was present at the scene of incident.

3. During the course of investigation two persons were arrested namely Ankush Bhuvad and Nilesh Ambre. The gold weighing about

690 grams was recovered. It appears that both the arrested accused were found at the scene of offence, which is reflected in CCTV footage and they are allegedly attributed the role of handling the gold and making gestures. The contention of applicant is that he has been falsely implicated. The FIR has been lodged out of vendetta. One of the employee had committed suicide and the FIR was registered against complainant and others. As a counter blast to that, the workers were falsely implicated in this case.

4. There are no criminal antecedents against applicant. The complaint learnt about the incident on 6th December 2019 and he approached Police on that day, however, the FIR was registered on 31st July 2020. There is no cogent explanation for lodging the FIR belatedly. Assuming that CCTV footage shows that the applicant was present at the scene of offence, in the light of factual aspects of this case, he need not be subjected to custodial interrogation. 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.495 of 2020 registered with L.T.Marg Police Station, Mumbai, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer on 6th, 7th and 8th October 2011 between 11 am and 1 pm, and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)