

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

ANTICIPATORY BAIL APPLICATION NO. 1567 OF 2019

Jayshree Prakash Kadam

..Applicant

v/s.

State of Maharashtra

..Respondent

None for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent-State.

Mr.P.A.Gosavi, PSI, Thane Railway P. Stn. present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th AUGUST, 2017.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in Crime No. 1918 of 2019 registered with Thane Railway Police Station, for the offence punishable under Section 379 of the Indian Penal Code.

2. Learned APP has opposed the application mainly on the ground that the Applicant is a habitual offender. She states that the Applicant has committed similar offence in Crime No. 359 of 2013, registered at Thane Railway Police Station.

3. I have perused the records and considered the objection raised by the learned APP for the State. The records prima facie indicate

that one Vikas Shyamrao Kale had lodged a report stating that on 13.05.2019 between 12.15 midnight to 4.00 a.m. while he was sleeping on platform No.10 of Thane Railway Station, somebody had stolen his Samsung Mobile, wallet having Rs.6500/-, pan card and Aadhar card. Based on the CCTV footage, one Kunal Jagtap, allegedly involved in committing the theft was arrested. The case of the prosecution is that said Kunal Jagtap had sold the stolen mobile phone to the Applicant herein. Apart from the statement of the main accused, prima facie, there is no material on record to indicate that the Applicant is involved in commission of this crime. Even otherwise, the only allegation against the Applicant is that she was involved in receiving the stolen mobile. Though the crime was registered in the year 2019, till date the Investigating Agency has not been able to recover the alleged stolen mobile phone from the Applicant. Though it is stated that the Applicant was involved in similar crime, it is on record that she has been released on bail in the said crime.

4. The nature of accusation against the Applicant does not warrant custodial interrogation. Considering this aspect, this Court (Coram: Revati Mohite Dere, J.) by order dated 18.07.2019 had granted interim bail to the Applicant with direction to report to the

Investigating Officer. It is stated that the Applicant has complied with the conditions of interim order. It is also stated that the investigation has been completed and presence of the Applicant is not required for custodial investigation. Hence, the Application is allowed on the following terms and conditions:-

- i) In the event of arrest of the Applicant in C.R.No.1918 of 2019 registered with Thane Railway Police Station, the Applicant be enlarged on bail, on furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount;
- ii) The Applicant to appear before the trial Court on each and every date of hearing;
- iii) The Applicant shall not interfere with the witnesses, or tamper with the evidence in any manner;
- iv) The applicant shall keep the trial Court informed of her current address and mobile/ contact numbers and/or change of residence or mobile details, if any, from time to time.

. Application is accordingly disposed of.