

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

ANTICIPATORY BAIL APPLICATION NO. 2780 OF 2019

Laxman Sing Prem Sing Parmar Applicant

Versus

The State of Maharashtra Respondent

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Ms. Sweta M. Jain a/w. Mr. Manish Jain i/b. S. M. Jain and Associates, for the Applicant.

Smt. J. S. Lohokare, APP for the State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 604 of 2019 registered at Kolsewadi Police Station, Kalyan under sections 454 and 380 of the Indian Penal Code. Subsequently, Section 411 of the I.P.C. are added against the present applicant.

2. Heard Ms. Sweta Jain, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Vaishali Humane in respect of robbery committed in her house on 07/10/2018. The iron cupboard was broken and her ornaments worth Rs. 41,800 were stolen. Those ornaments included mangalsutra, golden chain and golden ring. Apart from the ornaments cash of Rs. 3000/- was also stolen. The allegations against the present applicant are that when one of the accused Saddam Shaikh was arrested; he pointed out the applicant's jewellery shop as the place where he had sold those ornaments to the present applicant.

4. Learned Counsel for the applicant submitted that the applicant was protected by interim order dated 18/12/2019 passed by this Court (Coram: Sandeep K. Shinde,J.). In that order it was recorded that the applicant had undertaken to deposit 17 gms of gold with the investigating officer on or before 27/12/2019. He further submitted that the applicant had gone to the police station to hand over 17 gms of gold as mentioned in the order. Police did not accept it on the ground that it was not the stolen property. Affidavit filed by PSI of Kolsewadi Police Station

also mentions that when the applicant had attended the Police Station on 24/12/2019, he had produced gold coins of 10 gms, 5 gms and 2 gms but he had not produced the stolen property mentioned in the FIR.

5. I have considered these submissions. The order granting interim protection did not record that the applicant was directed to produce gold in the original form of ornaments which are mentioned in the FIR. He was directed to produce 17 gms of gold. As per directions of the Court, he had gone to the Police Station with gold but police did not accept it. Therefore, there was no fault of the applicant. As far as the investigation is concerned, the applicant and his brother had produced the DVR with the police. There is some force in the submissions of learned Counsel for the applicant that after filing of a Writ Petition, the applicant was shown as accused.

6. The main consideration in this case is that the applicant was on interim protection since 18/12/2019. At this

stage, there is some substance in the arguments of learned Counsel for the applicant that the applicant had accepted some ornaments from one Saddam Shaikh under bonafide belief that they were pledged with him for bonafide requirement. On the next day Saddam's mother had taken those ornaments back. In any case, the applicant was on interim protection for about two years. He is not the main offender. He has shown his bonafides by approaching the police with 17 gms of gold as directed. Therefore, I am inclined to make interim order absolute in this case.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No 604 of 2019 registered with Kolsewadi Police Station, Kalyan, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)