

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 391/2021

Shri Kantilal S/o Shivprasad Soni & anr.

VERSUS

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R. R. Vyas, Advocate for applicants.
Shri I. Damle, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 02.08. 2021.

Heard.

2. In anticipation of arrest in Crime No. 53/2021 registered at Police Station Sakkardara, Nagpur, Dist. Nagpur for the offence punishable under Sections 454, 457, 380 of the Indian Penal Code. Initially, this Court has granted interim protection to both the applicants vide order dated 02.07.2021 which is prevailing till date.

3. It is prosecution case that during 17.02.2021 to 19.02.2021, there was house breaking wherein gold ornaments worth Rs. 2,45,000/- owned by informant were stolen. The

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report was lodged by informant against unknown thieves. During the course of investigation, the main accused namely Sohil Shaikh disclosed that he had sold stolen ornaments in the shop of applicants. Undeniably, the applicants are Goldsmith and running shop. At this stage, material available against the applicants is a statement of co-accused. Though prosecution resisted to grant bail, however besides discloser statement of co-accused, there is nothing against the accused. Obviously, besides accusation of receiver of stolen property, the other penal provisions would not attract against the applicants.

4. Always in such type of cases, antecedents play role which would throw light whether it was genuine transaction or the Goldsmith was habituated in facilitating thieves by selling of stolen property. However, admittedly, there are no antecedents against the applicants. As directed by this Court, applicants have attended concerned Police Station for which there is no

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grievance. In view of that, the purpose of investigation could be served, by directing applicants to join the course of investigation and liberty of applicants can be protected. Hence, following order:-

(I) Ad-interim protection dated 02.07.2021 is hereby made absolute on the same terms and conditions with modification that, the applicants shall continue to attend concerned Police Station on every Sunday in between 11.00 a.m to 02.00 till filing of charge-sheet.

(II) Application stands allowed and disposed of.

JUDGE

Gohane.