

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 805 OF 2022
WITH
INTERIM APPLICATION NO.1368 OF 2022**

Mrs. Vijaya Ram Reddy .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr.Jigar Agarwal i/b Mr. Vishal Rankhambe for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

Mr.Yashovardhan Deshmukh i/b Parinam Law Associates for the Intervener.

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CORAM: SMT. BHARATI DANGRE, J.

DATED : 28TH JUNE, 2020.

P.C:-

1. The applicant was granted protection from arrest on 13/04/2022 she was accused of offence punishable under section 381 of the IPC.

Recording that the applicant has confessed that she had removed the gold, diamond and other items and concealed them behind the cupboard and handed over the bag containing of

Jewelry and other items, she was held entitled for ad-interim protection. Recording that the FIR has been registered after a considerable delay, prompted the Court to release her on bail.

2 The learned APP do not dispute that the applicant has reported to the police station as directed. He would however submit that the missing items i.e one ear ring worth Rs. 1,00,000/- and cash of Rs. 22,000/- is yet to be recovered.

From the above statement, it is clear that the custodial interrogation is not necessary for investigating the offence, but for recovery of the amount. When asked whether the complainant has produced on record any proof that the packet which was alleged to be stolen and recovered at the instance of the applicant contained cash, and the gold ear ring, which she is accused of stealing, the learned APP state that there is no proof. In the wake of the above, since the custodial interrogation of the applicant is no more required, the order dated 13/04/2022 is confirmed subject to the stipulation that she shall assist the investigating officer in completing the investigation.

3 Anticipatory Bail Application No. 805 of 2022 with Interim application No. 1368 is disposed off.

SMT. BHARATI DANGRE, J.