

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 861 OF 2022

Sidharth Shrivirendra Jain

..Applicant

V/s.

The State of Maharashtra

..Respondent

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CHAVAN

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Ms. Falguni Brahmabhatt a/w Ms. Raksha Ansari for the
Applicant.

Mr. Yogesh Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 1 APRIL 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 15 of 2022 registered with G.R.P. Police Station, Manmad Dist. Nashik under Section 420, 328 and 379 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 14.01.2022 lodged by Rupa A.S., resident of Bangalore, Karnataka. The informant was married to Anil Shirodkar in the year 1999 and had obtained divorce in September 2021. Desirous for a remarriage, she registered herself on shadi.com, where she got acquainted with the co-accused

Ramankant Swadeshkumar Gaur from Durg (Chattisgarh). Eventually, both of them married, in a temple in the presence of relatives on 15.11.2021 at Bangalore, after which, they were supposed to go to Durg for marriage reception. Hence, the co-accused Ramankant Gaur asked informant to carry her ornaments worth Rs.18 lakhs. Both of them, initially went to Shirdi and thereafter, to Manmad for boarding a train to Durg. This was on 17.11.2021. According to the informant, her husband Ramankant Gaur gave her some stupefying substance and after which she felt giddy. Ramakant Gaur committed theft of ornaments during the travel and he got down from the train at Bhilai. The informant could gain consciousness at Durg, after which she managed to obtain a air ticket to Bangalore. The allegation insofar as the present Applicant is concerned is that he is being a Jeweller at Bhilai, had purchased the ornaments from Ramankant Gaur.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant strenuously urged that the Applicant is a reputed jeweller at Bhilai and is not connected with the offence. It is submitted that the name of the Applicant has figured in the interrogation of the co-accused Ramankant Gaur, which statement is not admissible. She

submitted that the Applicant is ready and willing to co-operate with the investigating agency.

5. The learned APP on the basis of the investigation papers has submitted that during the investigation, it has transpired that co-accused Ramankant Gaur sold the ornaments to the Applicant and the Applicant is also shown to be in contact with Ramankant Gaur on the basis of CDR record. It is submitted that for proper investigation of the matter, the custody is required.

6. I have considered the circumstances and the submissions made.

7. It is necessary to note that presently, I am concerned with a prayer for pre-arrest bail. A distinction has to be made between admissibility of a piece of evidence and a circumstance or material disclosed during the interrogation/investigation from an accused/suspect, as a investigational aid/tool. The allegation against the Applicant is that the ornaments were sold to the Applicant. According to the Investigating Officer, the Applicant is shown to be in contact with the co-accused Ramankant Gaur. In my considered view for a proper investigation, the custodial interrogation of the Applicant is necessary. No case for grant of pre-arrest bail is made out.

8. The criminal application is rejected.
9. At the request of the learned counsel for the Applicant, three weeks' time is granted to the Applicant to surrender before the Investigating Officer.
10. It is made clear that observations herein are for the limited purpose of deciding the application for anticipatory bail and the learned Sessions Court shall not be influenced by the same at any subsequent stage of consideration of application for regular bail, if any.

(C.V. BHADANG, J.)