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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1312 OF 2022

Ramesh Jagdhari Kanojiya

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Nitesh Mohite and Mr. Ankush Kedar, Advocates for the Applicant
 - Ms. Rutuja Ambekar, APP for the Respondent – State
 - PSI Jadhav, Thane City Police Station
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 17, 2022.
(Vacation Court)

P.C.:

1. Heard learned counsel appearing for the Applicant and learned APP for the Respondent - State.

2. The Applicant is apprehending arrest in connection with Crime No.I-130 of 2022 registered with the Central Police Station, Ulhasnagar for offences punishable under Sections 392, 120(B), 201, 427 read with 34 of the Indian Penal Code, 1860 (**IPC**) and is seeking anticipatory bail.

3. The First Information Report (**FIR**) is registered at the instance of Soni Shambhusingh Sanulkar (first informant). The first informant works as nurse in Life Care hospital of Dr. Shahabuddin

Shaikh. It is alleged in the FIR that on 10.04.2022 the first informant was on leave. She received a phone call and was summoned by Dr. Shahabuddin Shaikh to the hospital. After receiving the phone call she left her house at around 3.30 p.m. alongwith her sister and was walking in the lane towards Shahad Bridge, Ulhasnagar. At that time, she once again received a phone call from the hospital and when she was about to talk and speak on the phone, one unknown person snatched her mobile handset and ran away. While doing so the mask of the unknown person came off and the first informant saw his face. The cousin brother of the first informant saw the CCTV footage from a nearby CCTV camera and identified the mobile phone snatcher being a resident in the vicinity of Life Care Hospital. The incident was thereafter narrated to the police authorities and report was lodged; the police authorities traced the unknown person whose identity was revealed as Arshad Abu Kalam Khan, resident of Ulhasnagar. It is revealed further that the unknown person who snatched the mobile phone was hired by Dr. Shahabuddin Shaikh who is also a co-accused in the present case. He was hired to snatch the mobile phone from the first informant as the Doctor suspected that there were photographs of the Doctor with some other nurse working in the hospital in the said mobile phone. It is further alleged that the Doctor and the Applicant had paid an amount of Rs.10,000/- to Arshad Abu Kalam Khan to carry out the operation of stealing the mobile phone.

4. Learned counsel Mr. Mohite appearing on behalf of the Applicant submits that the main accused has been granted bail in the present case. He submits that the Applicant is working as the Manager in Life Care Hospital and it is alleged that he has masterminded the entire incident along with Dr. Shahabuddin Shaikh. He submits that however there is no material evidence placed on record to show the nexus of the Applicant with the commission of the aforementioned offence. He submits that the Investigating Officer has placed on record the investigation papers and on perusal of the same it is apparent that there is no direct or indirect involvement of the Applicant made out in the present case.

5. Ms. Ambekar, learned APP submits that the role of the Applicant is revealed in the report dated 19.04.2022 prepared by the Investigating Officer as having conspired and hatched the conspiracy to commit the crime.

6. I have perused the order dated 20.04.2022 passed by the Judicial Magistrate First Class, Ulhasnagar releasing the main accused and the co-accused on bail. I have also perused the report dated 19.04.2022 filed by the Investigating Officer which is placed at page No.32 of the present application. The report filed by the Investigating Officer states that Dr. Shahabuddin Shaikh, the owner of Life Care

Hospital had conspired with his Manager (the Applicant herein) and other co-accused to commit the above crime and that they had paid an amount of Rs.10,000/- to the co-accused to carry out the crime. However there is no evidence or cogent material placed on record which indicts the Applicant on his role in the present crime.

7. Ms. Ambekar, learned APP submits that the Applicant worked as a Manager in Life Care Hospital of Dr. Shahabuddin Shaikh and from a reading of the report it appears that conspiracy has been hatched by both of them to snatch and recover the mobile phone of the first informant because of the suspicion that had arisen in the mind of Dr. Shahabuddin Shaikh. She has read the reasons given in the police report to oppose grant of any relief.

8. I have considered the report filed by the Investigating Officer and perused the material available on record. Admittedly the main accused and co-accused in the present case have been enlarged on bail. The recovery of the mobile phone has been done by the Investigating Officer. There is no material placed on record to show the angle of collusion and conspiracy and/or the involvement or motive of the Applicant for effecting the present crime. In view thereof, no purpose will be served by apprehending the Applicant merely on the basis of suspicion at this stage. *Prima facie*, the custody of the Applicant is therefore not required.

9. Considering the above circumstances, the following order is passed:

ORDER

- (i) In the event of his arrest, in connection with the Crime No.I-130 of 2022 registered with Central Police Station, Ulhasnagar, the Applicant - Ramesh Jagdhari Kanojiya, be released on bail on executing a P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer twice a week on Monday and Wednesday between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency;
- (iii) The Applicant shall not tamper with the prosecution evidence / witnesses.

10. In view of the above directions, Anticipatory Bail Application stands disposed of.

[MILIND N. JADHAV, J.]