

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

ANTICIPATORY BAIL APPLICATION NO.3163 OF 2021

Dheeraj Kailashchandra Shrimali ... Applicant
Versus
State of Maharashtra ... Respondent

Mr. Amit A. Gharat, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for Respondent-State.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 10th JANUARY, 2022

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.408/2021 registered with Manikpur Police Station, Mira-Bhayandar Vasai-Virar Commissionerate on 25.10.2021 under Sections 406 and 420 of the Indian Penal Code.

2. Heard Shri Amit Gharat, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Asha Prajapati. She has stated that she came in contact with one unknown person who told her that his name was "Anil Ojha". He told the informant that he had some super natural powers. The informant got impressed and

called him to her house. Said person asked her to give him gold ornaments. He covered them with a cloth and performed some rituals. This happened on 19.10.2021. The rituals were repeated on a couple of occasions. On 25.10.2021 when the informant checked her ornaments, she realized that her ornaments were missing and that she was cheated by that person. She had lost the gold ornaments worth almost Rs.5 Lakhs. On this basis, the FIR was lodged.

4. Learned counsel for the applicant submitted that there are no allegations of cheating against the applicant. He has no role to play in the entire incident.

5. On the last occasion on 03/01/2022 I had recorded the statement made on behalf of the applicant, on instructions, that the applicant was willing to produce the ornaments which he had received from the main accused. To test his bonafides, I had adjourned the matter and had kept it today with interim protection to the applicant.

6. Today, learned APP, on instructions of the investigating officer, states that, though the applicant has attended the police

station and has admitted having received the ornaments, he has not produced the ornaments which are subject matter of the present application. There is total non co-operation on his part. His mobile phone is not reachable. He is not co-operating with the investigation. So far as, merit is concerned, it is revealed that, the main accused had given the ornaments to the present applicant who has not only kept them but also helped the main accused in committing this offence. Considering this background, applicant's custodial interrogation is necessary. No leniency can be shown to him. He has not co-operated with the investigation.

7. The application is rejected.

(SARANG V. KOTWAL, J.)