

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1302 OF 2023

SAURABH SANTOSH SADBHAVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S. A. Kulkarni
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 07, 2023

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0109/2023, registered with Paithan Police Station, Tq. Paithan, Dist. Aurangabad, for the offences punishable under Sections 380, 454 of the Indian Penal Code.

2. First informant reported incident of theft occurred in his house on 13.04.2023 wherein the gold ornaments and other articles were stolen. Though, present Applicant is not named in the FIR, however, during the course of investigation at the instance of co-accused it was revealed that present Applicant is said to be the person who has purchased the stolen articles from him.

3. Learned Counsel for the Applicant submits that though Applicant had jewelry shop in the name of Sadbhave Jewellers, the said shop has been closed for last 15 to 16 months. He placed reliance on the certificate issued by the Gangapur Taluka Saraf Suvarnakar Sangathana. Thus, it is his contention that there is no evidence to connect present Applicant with the crime.

4. Learned APP though opposed application, however, investigation papers indicates that inquiry made to the neighbouring shop keepers indicate about the shop of the Applicant being closed for the aforestated period.

5. Herein this case, except for the unreliable statement of co-accused, there is no evidence to show Applicant was conducting business as Jewelers at the relevant time. Hence, it is a fit case to protect the liberty of the Applicant. Hence, application stands allowed by confirming interim order dated 08th August, 2023.

(R. M. JOSHI, J.)