

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

ANTICIPATORY BAIL APPLICATION NO.825 OF 2023

Tejas Girish Balsara

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Raviraj S. Gamare with Mr. Prashant Rathod and Surekha Surve for the Applicant.

Mr. S.V. Gavand, APP for the Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. The Applicant seeks pre-arrest bail in C.R. No.165 of 2023 registered with Dahisar Police Station, Mumbai, for the offence punishable under Section 406 r/w 34 of the IPC.
2. Heard Mr. Gamare, learned counsel for the Applicant and Mr. Gavand, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.
3. The aforesaid crime was registered pursuant to the FIR lodged by Chetan Vadhaiya. He is in the business of repairing camera

and giving the cameras on rent. On 03/01/2022 the Applicant herein took Cannon 5D mark camera and 24-105 lens on rent and agreed to pay Rs.15,000/- per day. On 08/01/2022 he took another camera on rent for 20 days. The grievance of the First Informant is that the Applicant neither returned the cameras nor paid the money/rent.

4. Learned counsel for the Applicant states that the Applicant had collected the Cameras on behalf of the co-accused -Pratik. The records reveal that Pratik, the co-accused in this crime has also lodged a FIR before Nalasopara Police Station being C.R. No.190 of 2022, which also relates to the same cameras. The First Informant is the witness in the said crime, which relates to the same set of facts. In such circumstances the maintainability of the second FIR is prima facie doubtful. It is stated that the cameras have been recovered from one Vyankatesh Minigir. It is stated that the investigation in the said crime has been completed and the charge-sheet has been filed. Hence, the presence of the Applicant is not required for recovery. No case is made out for custodial interrogation.

5. Hence, this is a fit case to exercise discretion under Section 438 of the Cr.P.C. In the result, interim relief is confirmed.

6. The Applicant is directed to report to the Investigating Officer as and when required by the Investigating Officer.
7. The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
8. The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.
9. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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