

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

ANTICIPATORY BAIL APPLICATION NO.910 OF 2023

Mohammad Muntiyaj	...Applicant
Versus	
The State of Maharashtra	...Respondent
...	
Mr. Shadab Khopekar for the Applicant.	
Mr. Shrikant Yadav, APP for Respondent-State.	

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.1259 of 2021 registered with Dahisar Police Station, Mumbai, for the offences punishable under Sections 380, 411 and 454 of the IPC.
2. Heard Mr. Khopekar, learned counsel for the Applicant and Mr. Shrikant Yadav, 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 Abdul Shaikh. The FIR prima facie reveals that the

Complainant is in the business of making gold ornaments. The FIR reveals that on 31/12/2021 at about 12.p.m. the Applicant left the house for his factory. Thereafter he proceeded to read Namaz. He has stated that when he returned home at about 3.40 p.m. he found that the door was open and the jewelry boxes from the cupboard were thrown down and gold ornaments of 140 gm worth Rs.6,30,000/- and cash of Rs.30,000/- was missing. In his supplementary statement he has stated that gold ornaments weighing 933 gms worth Rs.2,38,500/- were missing from the house. The co-accused have been arrested, who have also implicated the present Applicant. Some of the gold ornaments have been recovered. CCTV footage prima facie shows presence of the Applicant in the society premises. Apart from this crime, similar crimes are also registered against the Applicant being C.R. No.602 of 2022 registered with Mulund Police Station and C.R. No.798 of 2017 is registered at Uttar Pradesh.

4. Considering the nature of the offence, the material in support thereof as well as the criminal antecedents of the Applicant, in my considered view this is a fit case for custodial interrogation. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)