

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

ANTICIPATORY BAIL APPLICATION NO. 1900 OF 2023

Mr. Sahil Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Uday Warunjikar i/b. Sonali Chavan for the Applicant.

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

P.I. Suraj D. Bhende from V.P.Road P. Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 10th JULY, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.297 of 2022 registered with V.P. Road Police Station for offences under Section 364, 394, 395, 504, 506(II) and 120-B of the Indian Penal Code.

2. Mr. Warunjikar, learned Counsel for the Applicant submits that the Applicant is not involved in the crime. He has no association with the other accused. He further submits that the gold has been recovered from the co-accused and they have been released on bail. He submits that the chargesheet has been filed and the presence of the Applicant is not required for the purpose of investigation or interrogation.

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3. Mr. Gawant, learned APP submits that the Applicant has been absconding since last one year. The material on record shows involvement of the Applicant in the said crime. Only part of the stolen property has been recovered. Investigation is still pending against this Applicant in terms of Section 173 (e) of Cr.P.C.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by Kastur Rangaji Ghanchi. The facts narrated in the FIR prima facie reveal that on 27.05.2022, at about 7.30 a.m. the first informant collected a bag with gold ornaments from Ratilal Prajapati. Thereafter, he along with Mukesh kumar and Ratilal Prajapati were proceeding to his office at Nemane building. As they reached near the said building, one person who was standing near a two wheeler came towards them, and threw chilli powder on their face. He showed them a knife and snatched away the bag containing gold ornaments worth Rs.52,00,000/-.

6. In the course of the investigation, the Investigating Agency obtained CCTV footage captured by the camera installed at the place of the incident. The CCTV footage showed the persons involved in

snatching the bag. The Applicant has been identified on the basis of the CCTV footage . The other co-accused involved in the incident came to be arrested and part of the gold ornaments have been recovered from them. The material on record reveals that a day prior to the incident, the Applicant and the co-accused had stayed in Hotel Sion Residency, and had conducted a recon of the place of the incident. The above facts and circumstances prima facie prove the complicity of the Applicant in the said crime, which is of serious nature. The records also indicate that the Applicant has been absconding since last over a year and investigation against him could not be completed, particularly, the remaining stolen property is not yet recovered.

7. Considering the nature of the offence and the material in support thereof, I am not inclined to exercise the discretion under Section 438 of Cr.P.C. Hence, the Application is dismissed.

(ANUJA PRABHUDESSAI, J.)