

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

ANTICIPATORY BAIL APPLICATION NO. 2253 OF 2023

Mr. Joseph Guria

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sujit Shelar a/w. Vijay Dhingraj , Mr. Ravish Mishra for the Applicant.

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

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 10th AUGUST, 2023.**

P.C.

1. The applicant apprehends his arrest in C.R.No. 1776 of 2022 registered with Bandra Police Station for offences punishable under Section 380, 454, 457 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the 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 one Derrick Trevor Gray. The facts narrated in the FIR reveal that the first informant and his family had left for Dubai on 22.10.2022 and had returned on 26.10.2022 . During their absence, they had handed over the keys to the wife of the applicant herein, who was working with them as maid servant. When the first informant returned home, he noticed that

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several valuables, including gold jewellery worth Rs.49 lakhs was missing. He therefore lodged FIR against an unknown person.

4. In the course of investigation, the house of the applicant herein was searched. Nothing incriminating was recovered. It is stated that the wife of the applicant was also arrested and released on bail. Subsequently, 'A Summary' came to be filed. It is stated that the A Summary is sought to be revived on the ground that some additional incriminating material is gathered by the Investigating Agency. As on date, the only allegation against the applicant is that he is the husband of the maid servant who was working for the first informant, who had access to the residential premises of the first informant. It is stated that the applicant had gone to Jharkhand.

5. Learned APP states that the applicant could not be interrogated earlier since he had left for Jharkhand. Learned Counsel for the applicant states that he had gone to Jharkhand only on 24.12.2022 and has returned, and continues to be in Mumbai since then. Apart from the aforesaid suspicious circumstances, there is no other prima facie material to show the involvement of the applicant in the aforesaid crime.

6. Under the circumstances, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.-1776 of 2022

registered with Bandra Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;

(ii) The Applicant shall report to the Investigating Officer for two days on 16th and 17th August, 2023, between 11.00 a.m. to 2.00 p.m.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)