

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.348 OF 2023

(Krishna s/o Ashish Soni Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.K. Madane, Advocate for the applicant.
Shri A.M. Kadukar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 12, 2023.

Heard.

2. Present application is filed for grant of anticipatory bail in the event of his arrest in Crime No.826/2022 registered at police station Ajni, Nagpur City for the offence punishable under Sections 380, 454 and 457 of the Indian Penal Code.

3. The applicant is apprehending his arrest at the hands of police as one Rajendra Kashinath Ukey has lodged report at Ajni police station on an allegation that he was serving as Assistant Manager in State Bank of India. On 10/12/2022 he had been to Mumbai, when he returned on 24/12/2022, he found that the latch of his house was broken. He entered inside the house and found that Rs.50,000/- cash and gold ornaments were stolen from his house worth of Rs.5,62,000/- along with the cash amount.

4. On the basis of said report, the police have

registered the offence against the present applicant and other co-accused. During investigation it revealed to the Investigating Officer that present applicant is also involved in the crime as he has sold out gold ornaments with the help of co-accused Faizan Khan.

5. As per the contention of the applicant, he is not involved in the crime, he is a college student. He is not acquainted with other co-accused. He merely implicated on the basis of statement of the co-accused. Nothing is to be recovered from him and he will cooperate with the investigating agency.

6. Said application is strongly opposed by the learned Additional Public Prosecutor appearing for the State on the ground that the present applicant is running his own jewellery shop with the help of said Faizan Khan. He sold out the gold and silver ornaments. His custodial interrogation is required, and hence, bail application deserves to be rejected.

7. Heard learned Counsel for the applicant. He reiterated the contention and submitted that considering the applicant is a college student and no criminal antecedents against him, he be protected by granting anticipatory bail in the event of his arrest whereas learned Additional Public Prosecutor vehemently submitted his involvement is established from the statement of the material witnesses and hence the application deserves to be rejected.

8. Heard learned Counsel and perused the investigation papers.

9. From the investigation papers it reveals that during investigation the co-accused namely Akshay Darokar and Rahul Naidu were arrested. It further reveals that the present applicant is the owner of jewellery shop and he sold out the gold ornaments with the help of one Faizan Khan. Considering the allegation against the present applicant his custodial interrogation is required.

10. Therefore, the application deserves to be rejected and hence, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

**Divya*