

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

ANTICIPATORY BAIL APPLICATION NO.784 OF 2024

Sandeep Arvindbhai Patel Applicant
Versus
The State of Maharashtra Respondent

Mr. Indu Prakash Tripathi, Advocate i/b. C.K. Tripathi for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.116/2024 registered at Kasturba Marg Police Station, Mumbai on 10.2.2024 under sections 380, 354, 457 of IPC.

2. Heard Mr. Indu Prakash Tripathi, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by the Applicant's wife Sangita. She has stated that she was residing in a flat in A-Wing, Ekata

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Bhumi Garden 03, Borivali (East), Mumbai since 2015 with her son Utkarsha. She was residing separately from the Applicant as they had family dispute. Their proceedings for divorce is pending in the Family Court. She has stated that she had gone to attend her niece's wedding at Vadodara. She left her house with her son in the morning at 6.00 a.m. on 27.1.2024. She returned back on 29.1.2024. On 2.2.2024, she opened her wardrobe and she realized that her gold ornaments consisting of neckless, ring, bangles, bracelets etc. worth Rs.5,10,000/- were missing. Therefore, she lodged an FIR against unknown persons.

4. The Applicant is apprehending his arrest because he was the co-owner of the flat and had access to the flat as he had keys to the flat. Therefore, he has filed the present Application.

5. Learned counsel for the Applicant submitted that the Applicant had visited the flat on 27.1.2024 in the evening because on that day it was birth-day of his son. However, since nobody was present in the flat, he left the place. Learned

counsel further submitted that the informant had filed a declaration of her assets in the Family Court in the year 2022 and at that time she had mentioned that she did not have any gold ornaments. He submitted that the Applicant is likely to be implicated falsely in the present offence.

6. Learned counsel submitted that without prejudice to his rights and contentions, the Applicant is willing to deposit Rs.5 Lakhs in the name of his son in the Fixed Term Deposit so that it will establish his bonafides. He submitted that the Applicant will deposit such amount without prejudice to his rights and contentions in all the proceedings pending between the parties, including the present FIR.

7. Learned APP tried to oppose these submissions. However, I am inclined to accept the submissions made by learned counsel for the Applicant firstly because the Applicant is showing his bonafides; and secondly because he is also a co-owner of the flat and, therefore, he had access to the flat. However, I am not inclined to make observations on the merits of the matter as the Applicant is showing his willingness to

deposit the amount which is lost by the informant, without prejudice to his rights and contentions.

8. Hence, the following order :

ORDER

- (i) The Applicant is permitted to deposit Rs.5,00,000/- (Rupees Five Lakhs Only) as Fixed Term Deposit in the name of their son Utkarsha within a period of three weeks from today.
- (ii) On such deposit, in the event of his arrest in connection with C.R.No.116/2024 registered at Kasturba Marg Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) It is made clear that such a deposit shall be without prejudice to the rights and contentions of the Applicant in any of the proceedings pending between the parties, including the present proceedings.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)