

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

ANTICIPATORY BAIL APPLICATION NO.701 OF 2024

Sudesh Kumar Verma ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Alok D. Pandey, for the Applicant.
Mr. Swapnil V. Walve, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JULY, 2024

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1. The Applicant is seeking anticipatory bail in connection with C.R. No.514 of 2023 dated 4th December, 2023 registered with Dadar Police Station, Mumbai under Section 380 and 454 of the IPC.

2. Heard learned counsel for the Applicant and learned APP for the State.

3. The FIR is lodged by one Mayuresh Mokal residing at Agar Bazar, Mumbai. On 3rd December, 2023, his family had gone to Mahad, District Raigad. His younger brother had gone out at 10:30 a.m. He returned at 07:45 p.m. He saw that the lock and the house was broken. He immediately called the police. On inspection, it was noticed that the informant's amount of Rs.50,000/- and the

ornaments of the family worth Rs.50,000/- consisting of diamond earrings were stolen. On this basis, the FIR is lodged. The investigation was carried out and one Akbar @ Firoz @ Babu Sultan Saife was arrested. During investigation, he gave memorandum statement under Section 27 of the Evidence Act that after committing the theft, he had sold those ornaments in the Applicant's shop Shivam Jewellers, Rohtash Nagar, Shahadara, Delhi. The Investigating Agency did not find the Applicant. On these allegations, the Applicant apprehended his arrest. Learned counsel for the Applicant had submitted on the last occasion that the Applicant was willing to co-operate with the investigation and that he had no concern with the arrested accused. Learned APP had stated that the Applicant was unavailable. The recovery of the ornaments could not be effected. Based on these submissions, the Applicant was protected by way of ad-interim relief and he was directed to attend the concerned Police Station from 27th March, 2024 to 30th March, 2024.

4. Today, learned APP, on instructions, makes a statement that the Applicant has attended the Police Station and though there was no recovery, he has co-operated with the investigation. He further submitted that the investigation in this case is completed and the charge-sheet is already filed. He further stated on instructions that the Investigating Agency does not want to arrest the present Applicant in connection with the present subject matter.

5. Considering this situation, the Applicant can be protected under Section 438 of the CrPC. Hence, the following order:-

ORDER

- I) In the event of his arrest in connection with C.R. No.514 of 2023 registered with Dadar Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in sum of Rs.30,000/- with one or two sureties in the like amount.
- II) The Applicant shall attend the concerned Court regularly unless prevented by reasonable cause acceptable to the Trial Court.
- III) The Application is disposed of.

(SARANG V. KOTWAL, J.)