

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

Anticipatory Bail Application No. 1348 of 2024

Vijay Satish Parwani

Aged about 33 years, Occu. Business,

R/at: Plot No.206, Akash Apartment,

Block No.1, Shivganganagar,

Taluka Ambernath, 421 501,

Dist. Thane

...Applicant

v/s.

1. State of Maharashtra

(At the instance of Shahapur
Police Station)

2. Sudhir Suresh Baviskar

(Original complainant),

Age 42 years, Occ. Service,

Res. Room No.A-4, Flat No.404,

Ram Shyam CHS, Gymkhana Road,

Dombivali (E).

...Respondents

Mr Ammar Nizami, i/b. Sayyed Sabirali, for the Applicant.

Mr MG Patil, APP, for Respondent State.

PSI Baviskar, Shahapur Police Station, Thane (R), is present.

Coram: R.N. Laddha, J.

Date: 31 July 2024

P.C.:

Heard Mr Ammar Nizami, the learned Counsel appearing on behalf of the applicant and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.3 of 2024, registered at Shahpur Police Station, Thane, for the offences punishable under Sections 381, 411 read with 34 of the Indian Penal Code.

3. The prosecution alleges that the co-accused stole thirteen iPhones, two Vivo mobile phones, and Rs.1,50,000/- in cash from the store of Digi1 Electronics. The co-accused, Kunal Sonawane, sold the stolen mobile phones at a lower price to the applicant, the owner of Laxmi Mobile Shop at Ulhasnagar.

4. Mr Ammar Nizami, the learned Counsel appearing on behalf of the applicant, and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, in unison, submit that the informant and the applicant have resolved the dispute amicably. The informant has received the due amount from the applicant; therefore, he has no grievance against the applicant. The informant's affidavit dated 26 April 2024, expressing consent for granting anticipatory bail to the applicant, is already on record.

5. Upon perusal of the records, it appears that the co-accused, working in the informant's store, stole and sold the valuable mobile phones to the applicant at a bargain. *Prima facie*, there is no material on record to suggest that applicant was aware that the purchased property was stolen. The parties have now arrived at a comprehensive settlement regarding their dispute, and the informant consents to grant

anticipatory bail to the applicant. The informant, who is present in the Court and identified by the Investigating Officer, expresses no objection and consents to grant pre-arrest bail to the applicant, and reiterates the contents of his consent affidavit. Moreover, the co-accused have been released on bail. In the circumstances, the application is allowed in the following terms:

(i) In the event the applicant is arrested in connection with CR No.3 of 2024, registered at Shahpur Police Station, Thane, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and not indulge in activities that would tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)