

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

**Anticipatory Bail Application No.1368 of 2024**

Sudesh Kumar Verma

Age 54 years, Occupation:

Business, Hindu, Indian Inhabitant,  
having address at 1-6865, Nehru Gali,  
East Rohtash Nagar Shahdara S.O.,  
East Delhi, Delhi - 110032

... Applicant

v/s.

The State of Maharashtra (at the  
instance of Rabale Police Station)  
in C.R. No. 711 of 2023

... Respondent

....

Mr Ashwin Vasisth, a/w. Mr Alok Pandey, for the Applicant.

Mr Arfan Sait, APP, for the Respondent/ State.

API Nilesh Bankar, Crime Branch, Unit-I, Navi Mumbai, is  
present.

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**Coram: R.N. Laddha, J.**

**Date: 30 August 2024**

**P.C.:**

By this application, the applicant seeks pre-arrest bail in connection with CR No.711 of 2023, registered at Rabale Police Station, Navi Mumbai, for offences punishable under Sections 380 and 454 of the Indian Penal Code.

2. According to the prosecution, gold items worth Rs.1,10,000/- were stolen from the informant's house on 4 December 2013. The investigation revealed that the co-accused,

Akbar, also known as Firoz or Sultan Saife, sold some of the stolen gold items to the applicant.

3. Mr Ashwin Vasisth, the learned Counsel appearing on behalf of the applicant, contends that the applicant has been falsely implicated in the present crime. He points out that the applicant received a notice under Section 41A of the Code of Criminal Procedure, 1973, and the applicant fully complied with it by attending the police station and cooperating with the investigation, including providing the Secure Digital (SD) Card containing the CCTV footage from the shop. The learned Counsel submits that the investigation is complete, and a charge sheet has been filed. The applicant is ready to abide by the conditions imposed by the Court.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, argues that the offence is grave, involving the exchange and sale of stolen gold items at the applicant's shop. Despite attending the police station, the applicant did not cooperate with the investigation. The learned APP points out that the SD Card submitted by the applicant was corrupted, resulting in the loss of crucial CCTV footage, which constitutes evidence tampering. The learned APP submits that the charge sheet has been filed against the co-accused, with the

option to file a supplementary charge sheet against the applicant pending further investigation. The learned APP emphasises that the applicant's custody is necessary to recover the stolen property and highlights his criminal antecedents, concluding that this case is not fit for the grant of pre-arrest bail.

5. From the perusal of the records, it appears that the applicant is accused of receiving stolen gold items. The investigating agency requested the applicant to provide the CCTV footage from his shop to substantiate his defence, but instead of complying, the applicant submitted a damaged/ corrupt SD Card containing the CCTV footage, thereby failing to cooperate with the investigation and hindering the verification of his claim. The material available on record, *prima facie*, suggests the applicant's involvement in the crime and his criminal antecedents, combined with his son's similar offence at the same shop, raises concerns. Furthermore, the stolen property is yet to be recovered, necessitating the applicant's custody. Considering these factors and the ongoing investigation, the learned APP's argument against granting anticipatory bail appears justified.

6. In light of the above, the application stands rejected.

**(R.N. Laddha, J.)**