

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

**Anticipatory Bail Application No.1383 of 2024**

Ramesh Rajbahadur Tiwari

Aged about 39 years,

Occ: Business

R/o : 19, B-1/001, Sangarsh

Nagar Chandivali Farm Road,

Andheri (E), Mumbai 400072.

.... Applicant.

Vs.

The State of Maharashtra

(At the instance of MIDC Police

station)

.... Respondent.

---  
Mr AK Shukla Advocate for the applicant.

Mr Avinash A. Naik, APP for the respondent/State.

PSI Sachin Tambe, MIDC police station present.  
---

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

**Date : 10 June 2024.**

**P.C.:**

Heard learned Counsel for the applicant and learned  
APP for the respondent/State.

2. This is an application for pre-arrest bail filed by the  
applicant, apprehending arrest in CR No.10 of 2024,

registered with MIDC Police Station, Mumbai, for the offence punishable under Sections 381 r/w 34 of the Indian Penal Code.

3. It is alleged that on 6 January 2024, the security personnel informed the complainant that Shivam Yadav, an employee in the refinery department, had entered the locker room and concealed something in his clothes. This incident was captured on CCTV. When confronted by the Complainant, Shivam Yadav failed to provide a convincing explanation and left for home. It is alleged that Shivam Yadav had caused theft of gold dust from 'Seeds Jewels India LLP', MIDC, Andheri (E)', Mumbai, where the complainant held the position of General Manager.

4. Learned Counsel for the applicant submits that both the accused individuals mentioned in the FIR were arrested and subsequently granted bail by the learned Metropolitan Magistrate. According to the remand application dated 18 February 2024, it was alleged that one Dhirendra Kuldip Tiwari, with the assistance of the present applicant, Shivam, and Santosh Yadav, committed theft of gold. There is a possibility that prior to this incident, the co-accused may have also been involved in gold theft. The learned Counsel further

states that the alleged stolen property has already been recovered from the co-accused, and the applicant is willing to cooperate with the investigation.

5. On the other hand, the learned APP contends that during the investigation, the statement of the co-accused namely Dhirendra Tiwari was recorded in which the applicant's name was disclosed. However, the learned APP fairly acknowledges that there is nothing on record indicating that the applicant was ever employed by the company. Additionally, he does not dispute the recovery of stolen property from the co-accused.

6. Upon perusal of the material available on record it appears that the alleged stolen property has already been recovered. The co-accused individuals mentioned in the FIR are enlarged on bail. Furthermore, there is nothing on record indicating that the applicant was ever in the employment of Seeds Jewels India LLP or involved in similar offence in the past. Given these circumstances, custodial interrogation of the applicant is unnecessary. Hence, the following order :

**ORDER**

- (i) In the event of applicant's arrest in connection with CR No.10 of 2024, registered

at MIDC Police Station, Mumbai, he shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall not himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

(iii) The applicant shall appear before the investigating officer as and when required.

7. The application stands disposed of accordingly.

[ R. N. Laddha, J. ]