

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1472 of 2024

Krushnadev Sitaram Kale,

Age: 41 years, Occ: Business,

R/at: 0087, Hanuman Chawl,

Ganesh Nagar, Chinch Pada, Airoli,

Navi Mumbai, 400708 Dist-Thane ... Applicant.

Vs.

The State of Maharashtra

(Thane Nagar Police Station) Respondent.

Mr Ajinkya Murumkar i/by Jagdish Shingade for the applicant
(through VC).

Mr Nitin B. Patil, APP for the respondent/State.

PSI Deepak Duimmalwad, Thane Nagar Police Station is present.

Coram: R. N. Laddha, J.

Date : 18 June 2024.

P.C. :-

Heard Mr Ajinkya Murumkar, the learned Counsel,
appearing on behalf of the applicant, and Mr Nitin Patil, the
learned Counsel, appearing on behalf of the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant,
apprehending arrest in CR No.244 of 2023, registered at Thane

Nagar Police Station, Thane, for the offences punishable under Sections 380, 454, 457 and 411 of the Indian Penal Code.

3. The prosecution claims that after the theft of gold ornaments and cash from the first informant's house, these ornaments exchanged hands and were liquidated in the jewellery store, Shree Ganesh Jewellers, owned by the applicant and his business partner, co-accused Ramdas.

4. Mr Ajinkya Murumkar, the learned Counsel representing the applicant, asserts that the applicant is innocent and has not purchased any stolen ornaments. He submits that the applicant is a partner of the co-accused Ramdas, and together, they run a jewellery store called Shree Ganesh Jewellers. The applicant has no criminal antecedents. On the contrary, the applicant has come forward to assist the police officials as a witness in another crime. Merely based on suspicion that the applicant has handed over the stolen gold in another crime, in which he was cited as a witness, the police officials seek his arrest. He further submits that the co-accused, Mukesh and Ramdas, are enlarged on bail. Moreover, the charge sheet has already been filed.

5. Mr Nitin Patil, the learned Additional Public Prosecutor representing the respondent/ State, argues that the applicant is a partner in Shree Ganesh Jewellers, where the stolen ornaments

were received. The stolen items have not yet been recovered. The investigation is ongoing, and the applicant's custodial interrogation is necessary.

6. From perusing the record, it *prima facie* appears that, at this stage, no role is attributed to the applicant. The sole allegation against the applicant is that he is the partner of the co-accused Ramdas in Shree Ganesh Jewellers. Moreover, even as per the prosecution, the applicant was not present in the store when the alleged stolen ornaments were handed over to his partner, co-accused Ramdas. Given these circumstances, custodial interrogation of the applicant is unnecessary. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.244 of 2023, registered at Thane Nagar Police Station, Thane, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant shall not, himself or through any other

person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The present application stands disposed of accordingly.

[R. N. Laddha, J.]