

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

Anticipatory Bail Application No.1543 of 2024

Mrs Vijayta Ravi Maheshkar
Aged 39 years, Occ: Housewife
Residing at Zopdi No.1, Mahatma
Jyotiba Phule Nagar, Opp Municipal
Patra Chawl, No.44, Mushshakiledar
street, Mumbai-400 011

... Applicant.

Vs.

The State of Maharashtra
(through Kalachowky Police Station)
CR No.115 of 2024, u/s 380,
413, 457 r/w 34 of IPC.

.... Respondent.

Mr Sharikh M. Khan for the applicant.
Mr CD Mali, APP for the respondent/State.
PSI Rajendra Chavan Kalachowkie police station.

**Coram : R.N. Laddha, J.
Date : 11 June 2024.**

P.C.:

Heard Mr Sharikh Khan, the learned Counsel for the applicant, and Mr CD Mali, 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.115 of 2024,

registered at Kala Chowkie Police Station, Mumbai, for the offences punishable under Sections 370, 457 and 413 of the Indian Penal Code.

3. The Prosecution alleges that the applicant's son stole gold ornaments weighing approximately 225 gms amounting to Rs.14,40,000/- and cash to the tune of Rs.1,75,000/- from the house of the first informant. During the investigation, it was revealed that the applicant knowingly received the aforesaid stolen property, and part of it was then handed over to her relative, Sumita Maheshkar, for safekeeping posing that the property belonged to her. It is claimed that some stolen items were recovered from Sumita Maheshkar, and the remaining items have yet to be recovered.

4. Mr Sharikh Khan, the learned Counsel appearing on behalf of the applicant, argues that the applicant is falsely associated with the crime due to the investigating officer's threats regarding securing bail for her son in another crime. Further, the officials approached various news outlets to falsely contend that the applicant provided her son with drugs to commit the crime. He submits that the applicant had no role. The learned Counsel submits that the only piece of

evidence against the present applicant is the statement provided by the co-accused.

5. On the other hand, the learned APP contends that during the investigation, the statements of the co-accused and witnesses were recorded, revealing the applicant's name. The remaining stolen property is yet to be recovered. The applicant has criminal antecedents. The investigation is still in progress.

6. Upon perusal of the records, it appears that there are witnesses who implicate the applicant in the present crime. The investigation is still at a nascent stage. While some stolen items were recovered, a significant chunk has yet to be recovered. The applicant has criminal antecedents. Considering all these aspects and the fact that the investigation is still in progress, the learned APP's argument against granting anticipatory bail appears justified. The custodial interrogation of the applicant would be necessary for further investigation. In light of the above, the application stands rejected.

[R. N. Laddha, J.]