

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

ANTICIPATORY BAIL APPLICATION NO. 1545 OF 2024

Mrs. Pratidnya Laxman Rathod
Aged 42 years, Occ.: House Maid,
R/at.: 02, Indira Pada. Patil Pada,
Godhbunder Road, Thane (West),
Thane – 400 604.

..Applicant

Vs.

The State of Maharashtra
(Through Kasarwadavli Police Station)

..Respondent

Mr Roshan Chavhan a/w Mr Tanvir A Kazi, for the Applicant.
Mr CD Mali, APP for the Respondent – State.
API Manish Pote, Kasarvadavali Police Station, Thane, present.

CORAM : R. N. LADDHA, J.
DATE : 18 JUNE 2024

P.C.

. Heard Mr Roshan Chavhan, the learned Counsel, appearing on behalf of the applicant, and Mr CD Mali, the learned Additional Public Prosecutor, 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.786 of 2024, registered at Kasarvadavali Police Station, Thane, for the offence punishable

under Section 381 of the Indian Penal Code.

3. The prosecution alleges that the applicant, employed with the first informant as a house help, stole gold ornaments worth Rs.90,000/- in the absence of the first informant and her family members.

4. Mr Roshan Chavhan, the learned Counsel representing the applicant, asserts that the applicant is falsely implicated in the present crime. The applicant did not unauthorisedly enter the first informant's house in her absence. There is a delay of 4 days in lodging the FIR. He submits that despite the allegations in the FIR, the first informant permitted the applicant to work in the house after the incident. He further submits that the applicant has attended the police station twice and is ready to abide by the conditions imposed by this Court.

5. Mr CD Mali, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant has criminal antecedents. In an earlier crime, the applicant returned the stolen gold ornaments. He asserts that the applicant did not attend the police station after the service of a notice under Section 41A of the Code of Criminal Procedure, 1973. The investigation is underway, and the stolen items are yet to be recovered. The applicant's custodial interrogation is necessary.

6. Upon perusing the record, as per the allegations in the FIR, *prima facie*, it appears that the applicant had access to the first informant's house. Admittedly, the applicant received the notice under Section 41 A; however, she did not attend the police station on the specified date. Moreover, during the investigation, it was revealed that the applicant, formerly employed with one of the witnesses, stole gold ornaments from his house. As the applicant returned the stolen items, no complaint was lodged at that time. In the present crime, the stolen items are yet to be recovered. Given these circumstances, the custodial interrogation of the applicant would be necessary. In light of the foregoing, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the present application stands rejected.

R. N. LADDHA, J.