

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1732 OF 2024

Jayshri Anand Deshmukh @ Jayshri Ganesh Chavan... Applicant

Vs.

State of Maharashtra ... Respondent

Mr. Abhishek R. Avachat a/w. Mr. Siddhant H. Deshpande for Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.

DATE : JULY 03, 2024

P.C. :

. Heard Mr. Avachat, learned counsel for the applicant and Ms.Ambekar, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0435 of 2024 dated 07.05.2024 registered at Pimpri Police Station, District - Pimpri Chinchwad, for offence under Section 381 of the Indian Penal Code, 1860 (IPC). Subsequently, the offence under Section 411 of the IPC was added.

3. The co-accused person is alleged to have stolen jewellery worth Rs.11,94,680/- from a jewellery shop in which he was working. It is alleged that the co-accused person gave the stolen jewellery to the applicant, who is herself running a jewellery shop.

4. The learned counsel for the applicant submits that the applicant is ready to co-operate with the investigation. It is submitted that the applicant knew the co-accused person, as the brother of the co-accused person is working in the jewellery shop of the applicant. It is submitted that there have been some transactions between the co-accused person and the applicant, prior in point of time, indicating that they knew each

other and that the applicant had no reason to suspect any foul play when the co-accused person came with the subject jewellery.

5. The learned APP, on the other hand, has opposed the prayer made in the present application. It is submitted that the investigation has revealed that the Call Detail Records (CDRs) of the mobile phones of the applicant and the co-accused person indicate that they have been constantly in touch with each other, even during the period when the incident occurred. It is submitted that custody of the applicant is required to unearth the *modus operandi* of the accused persons in carrying out such activities.

6. This Court has perused the material on record. It is to be noted that even according to the applicant, the brother of the co-accused person is working as an employee in the jewellery shop of the applicant. It is also stated that the applicant knew the background of the co-accused person and his brother. In such a situation, it is surprising that when the co-accused person came with jewellery worth Rs.11,94,680/-, the applicant simply accepted the jewellery and came in possession of such stolen jewellery. Considering the fact that according to the investigating authority the CDR details show that the applicant and the co-accused person were in touch with each other even around the time when the incident took place, it would not be appropriate to grant relief to the applicant, as it may hamper proper investigation by the investigating officer.

7. Hence, the application is dismissed.

(MANISH PITALE, J.)