

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2543 OF 2024

Mosinkhan Aslamkhan Inamdar

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.09.24
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- Mr. Amit Pradhan, for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 23rd SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Pradhan, learned counsel for the applicant and Mr. Malshe, learned APP for the respondent – State.

2. By this application, the applicant is seeking relief of anticipatory bail, as he apprehends arrest in connection with First Information Report No.0135 of 2024, dated 17.05.2024, registered at Police Station Igatpuri, District Nashik, for an offence under Section 380 of the Indian Penal Code, 1860 (IPC).

3. The FIR was registered against unknown persons. The grievance of the informant is that valuable golden jewellery was stolen from his house.

4. During the course of investigation, the applicant was arraigned as an accused. The remand report indicates that he was responsible for assisting

the co-accused person in disposing of the stolen gold.

5. The learned counsel for the applicant submits that in the present case, the stolen jewellery has been recovered. The only limited role of the applicant was to introduce the co-accused to the goldsmith. According to the applicant, he had no knowledge that stolen jewellery was intended to be sold to the goldsmith. It is submitted that the applicant is ready to cooperate with the investigation and physical custody of the applicant is not necessary in the facts and circumstances of the present case.

6. On the other hand, the learned APP relies on the order of the Sessions Court rejecting the bail application. It is submitted that the stolen jewellery was sold with the assistance and help rendered by the applicant to the co-accused person. The role of the applicant is evident from the material on record.

7. This Court is of the opinion that when the stolen jewellery has been recovered and even according to the investigating authority, the role of the applicant does not concern the actual act of theft in the dwelling house, the present application can be granted, so long as the applicant is ready to cooperate with the investigation. It is evident that no recoveries are to be made from the applicant, as the alleged role of the applicant is that he introduced the co-accused person to the goldsmith when the stolen jewellery

was to be disposed of.

8. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.00135 of 2024, dated 17.05.2024, registered at Police Station Igatpuri, District Nashik, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 26th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. He shall cooperate with the investigation.
- (C) The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)