

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

Anticipatory Bail Application No. 2761 of 2024

Sagar Shashikant Bhoite
Adult, Indian Inhabitant,
Aged about 30 years, Occ. Service,
R/o. Gaondevi Compound, Gokhle
Road, Naupada, Thane West, Thane. ..Applicant
Vs.

The State of Maharashtra
through Inspector Incharge, Naupada
Police Station, to be served through
Public Prosecutor, High Court, Bombay. ..Respondent.

Mr Mohd Saeed A Moghul a/w Ms Deepa Panicker a/w
Mr Azhar Shaikh, for the applicant.
Mr Amit A Palkar, APP for the Respondent – State.
PSI N D Borade, Naupada Police Station, is present.

Coram : R. N. Laddha, J.
Date : 16 October 2024.

P.C.

Heard Mr Mohd Saeed Moghul, the learned Counsel
appearing for the applicant and Mr Amit Palkar, 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.455 of 2024,

registered at Naupada Police Station, Thane, for offences punishable under Sections 454, 457 and 380 of the Indian Penal Code.

3. The applicant is accused of aiding the principal offender who committed a house breaking and subsequently stole gold items valued at Rs.39 lakhs. It is alleged that the applicant played a role in this crime by accepting the portion of the stolen property, selling it and then sharing the proceeds with the main accused. In return, the applicant is alleged to have retained a portion of the consideration amount as compensation for assisting in disposal of the stolen property.

4. Mr Mohd.Saeed A Moghul, the learned Counsel for the applicant, submits that the applicant is a businessman having stalls at various places. The learned Counsel submits that the applicant has been implicated in this case solely based on the co-accused's statement, without any independent evidence linking him to the crime. The learned Counsel submits that during the COVID-19 period, the applicant had borrowed money from the co-accused and has since been repaying the loan in regular

instalments. The learned Counsel further submits that the applicant had also secured loans from L & T Finance as well as other financial institutions, and has consistently been making the payments towards these obligations. The learned Counsel argues that these financial transactions are legitimate and unrelated to the alleged offence, and the applicant's involvement has been wrongly assumed based on mere association with the co-accused.

5. Mr Amit Palkar, the learned APP, submits that charge sheet has been filed, highlighting 14 bank transactions between the applicant and the co-accused. Following the incident, eight of these transactions appear in the bank statements for the year 2023, with additional transactions recorded in January 2024. The main accused in this case was arrested and the portion of the stolen property was recovered from him. The applicant is the recipient of the stolen property.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. Upon perusing records, it appears that the principal offender, who allegedly committed the theft, has been

arrested and released on bail. According to the learned Counsel for the applicant, during the COVID-19 period, the applicant had borrowed money from the co-accused and has since been repaying the loan in regular instalments. There appears fourteen bank transactions between the applicant and the co-accused. These transactions are from the 2019. Therefore, at this stage, it cannot be concluded presumed that the transactions appear in the bank statement after the alleged theft was as against the disposal of the stolen property's disposal. The applicant's implication in the crime is solely based on the co-accused's statement without any independent evidence linking him to the crime. In the circumstances, this Court is inclined to exercise its jurisdiction to grant pre-arrest bail to the applicant. Hence, the following order :

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.455 of 2024, registered at Naupada Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or

more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

R. N. Laddha, J.