

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

ANTICIPATORY BAIL APPLICATION NO. 3098 OF 2024

Ganpat Jawaharlal Sharma ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Ganesh Misal a/w Rohit Chavan i/by Vishal Kale for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Ms. Poonam Jadhav, API, Hinjawadi Police Station.

**CORAM: MANISH PITALE, J.
DATE : 21st NOVEMBER 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 1315 of 2023 dated 24th November 2023 registered at Hinjawadi Police Station, Dist. Pimpri-Chinchwad, for offence under Section 392 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The offence was registered against unknown persons, wherein the grievance of the informant was that her gold chain was snatched away by unknown persons, who came on a motorcycle. Investigation was undertaken and according to the Investigating Officer, the role of the applicant was that the stolen gold chain was sold to him. In fact, during the course of investigation, it is stated that the stolen gold chain was recovered from the shop of the applicant.

4. The learned counsel for the applicant contends that in the present case, the Sessions Court completely misread the allegation levelled against the applicant and proceeded to reject the anticipatory bail on the erroneous basis that the applicant was the person who committed theft of the gold chain.

5. It is further claimed that the applicant knew the family of co-accused Akshay Murkute for about 10 years and he was not aware about the background of the said Akshay Murkute, who appears to be a member of a gang indulging in such illegal activities.

6. It is further submitted that this Court in another FIR, wherein similar allegations have been made against the applicant, granted anticipatory bail to him by order dated 7th October 2024 passed in Anticipatory Bail Application No. 2709 of 2024.

7. It is further submitted that although there are 9 FIRs registered against the applicant, they have been registered on identical allegations, wherein co-accused persons allegedly committed the theft and sold the stolen gold to the applicant. It was submitted that therefore, registration of the said FIRs ought not to come in the way of the applicant in seeking relief in the present application, as the applicant undertakes to cooperate with the investigation.

8. The learned APP vehemently opposed the present

application. He submits that the reasons why this Court granted interim relief in favour of the applicant in Anticipatory Bail Application No. 2709 of 2024, are not related to the present application and the subject FIR. It is submitted that since stolen property was indeed recovered from the applicant, a strong *prima facie* case is made out against him under Section 411 of the IPC.

9. This Court has considered the rival submissions. This Court has indeed passed an interim order in favour of the applicant in Anticipatory Bail Application No. 2709 of 2024. The registration of the aforesaid 9 FIRs against the applicant was taken note of by this Court and yet, interim relief was granted in his favour.

10. In the present case, the allegation against the applicant is that the stolen gold chain was recovered from him. There is no allegation that the applicant actually committed theft. Identical allegations have been made against him in all the 9 FIRs registered against the applicant.

11. The basic ingredient of the offence under Section 411 of the IPC is that the accused person dishonestly receives or retains the stolen property with the knowledge or having reasons to believe that the same is stolen property. The applicant has claimed that since he knew the family of the co-accused person for a number of years, without realizing the background of the thefts allegedly committed by him, it would be a matter of further investigation. As the applicant is ready to cooperate with the investigation, a case

for granting interim relief is made out.

12. In view of the above, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.1315 of 2023 dated 24th November 2023 registered at Hinjawadi Police Station, Dist. Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 25th November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

13. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

14. List this application for further consideration on 3rd January 2025.

MANISH PITALE, J.