



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 550 OF 2025

Geeta Subhash Tavde

VERSUS

The State Of Maharashtra And Another

- Mr. N. B. Garje, Advocate for the Applicant
- Mr. A. V. Lavte, APP for the Respondents/State

CORAM : ADVAIT M. SETHNA, J

DATE : JUNE 10, 2025

P.C.:

1. This is an application filed by the Applicant for pre-arrest bail, who apprehends arrest.

BASIC FACTS:-

2. The Applicant in the present proceedings is stated to be a housewife. The proceedings arise from CR/FIR No. 0541/2024. Such FIR was accordingly registered under Sections 3(5), 309(4), 333 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). Subsequently, charge-sheet dated 20 November 2024 was filed. Pursuant to filing of such charge-sheet, sections 310(2), 61(2), 3(5) of BNS and sections 3, 25 of Arms Act were added. The said FIR has been registered by the Satara Police Station, Dist.

Chhatrapati Sambhajinagar. Briefly the case is that on 19 November 2024 at around 11.00 am there was an alleged robbery of several gold and jewelry items, which were found subsequently in the possession of the present Applicant. The details of such gold jewelry have been noted at page 18 of the FIR. It also appears from the disclosure statement filed during the investigation dated 09 December 2024 that such gold jewelry, allegedly stolen items, were recovered from the Applicant. It is in such circumstances that the FIR has been filed/registered.

APPLICANT'S CASE:-

3. The Applicant would submit that he was not present when the alleged incident of theft/robbery took place. The Gold jewelry/ornaments, which were allegedly stolen, were found in the possession of the Applicant. However, there is no other role attributed to the Applicant. The Applicant would refer to an order dated 07 May 2025 passed by the Additional Sessions Judge, Aurangabad (below Exhibit 5), where the co-accused i.e. Kartik @ Ravi Subhash Tavde, son of the present Applicant, was enlarged on bail. This was mainly on the

ground that the alleged weapon i.e. one pistol under the Arms Act was recovered from him. Learned Advocate for the Applicant would submit that despite recovery of such alleged weapon, Applicant was enlarged on bail. As far as sections in the FIR are concerned, he would submit that the Applicant was not present at the time of alleged robbery and, therefore, none of the ingredients of said provisions would apply to her. Accordingly, the ABA ought to be allowed in the given facts.

PROSECUTION'S VERSION:-

4. On the other hand, Mr. Lavate, learned APP, would vehemently opposed the said application. He would submit that in the present facts and circumstances of the case the sections, which have been subsequently added, would clearly indicate that there is a conspiracy hatched between the present Applicant and the other persons. The offences are serious. It is in the interest of the investigation that at this stage the Applicant be not enlarged on pre-arrest bail as her presence would be necessary and custodial interrogation required for the purpose of investigation as well as

further recovery of the remaining gold jewelry/ornaments, which have not been recovered.

FINDINGS:-

5. I have heard the learned Advocates for the parties and with their assistance, I have perused the record. It appears that the Applicant is not named in the FIR. The role of the Applicant is not specifically assigned or attributed in the FIR as far as the alleged offence of theft and robbery are concerned. As far as the provisions under the Arms Act is concerned, it is significant to note that the pistol i.e., alleged weapon, is not recovered from the present Applicant but it is recovered from the son of the Applicant, who is enlarged on bail by the Sessions Court (Trial Court) by order dated 07 May 2025. Learned APP would submit that as far as the gold jewelry ornaments are concerned, most of jewelries have ben recovered.

6. Considering the above facts and circumstances, in my view, a *prima facie* case for grant of anticipatory bail is made out by the Applicant. Thus, custodial interrogation of the Applicant, at this stage, is not imminent and/or necessary. However, it is

equally important and imperative to ensure that the investigation is not hampered in any manner whatsoever. Thus, balancing the fundamental right of the Applicant guaranteed under Article 21 of the Constitution of India and also ensuring that the investigation is not affected/halted, the following order would serve the ends of justice.

O R D E R

- (i) In the event of arrest of the applicant in connection with CR/FIR No. 0541/2024 registered with Satara Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under sections 3(5), 309(4), 333, 310(2), 61(2), 3(5) of BNS and sections 3, 25 of Arms Act the applicant is directed to be released on bail on their furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent surety in the like amount.
- (ii) The applicant shall cooperate with the investigation. She attend the Satara Police Station, Dist. Chhatrapati Sambhajinagar on every Monday at 11.30 am.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.
- (iv) The Applicant shall not leave the

jurisdiction of the Court without prior permission of the Court.

- (v) The Applicant shall not interfere with the evidence in any manner whatsoever.
- (vi) The Applicant shall not tamper with prosecution witness/es in any manner whatsoever.

7. The ABA is allowed in the above terms.

(ADVAIT M. SETHNA, J.)