

**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

Adv. Ganesh Misal i/b. Vishal Kale a/w. Rohit Chavan & Sunil Dude,
Advocate for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Mr. Bhaskar Dere, ACP traffic division PCPC present.

G. S. Dhage, PSI, Sangavi Police station PCPC present.

S. H. Kamde, PSI Hinjewadi Police PCPC present.

CORAM : RAJESH S. PATIL, J.

DATED : 5 MARCH 2025

P.C.:

1. The present Application is filed by the Applicant under Section 438 of the Code of Civil Procedure, for anticipatory bail in connection with C.R. No.1315 of 2023, dated 24 November 2023, registered with Hinjewadi Police Station, District Pimpri Chinchwad, under Sections 392, 411 and 34 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that at around 5:40 a.m., the informant and her sister-in-law, Sangeeta Bote, were on their way to a

temple when unknown culprits snatched a gold necklace from the informant's neck. Consequently, the informant lodged a report at the Hinjewadi Police Station.

3. It is the case of the present Applicant that he is a goldsmith and has no connection with the other accused. He is willing to cooperate with the police, and his physical custody is not necessary. The learned advocate for the applicant submits that Section 411 of the Indian Penal Code is not applicable in the present proceedings because the prosecution's case is that he stole the property, whereas Section 411 pertains to a person who dishonestly receives and retains stolen property, knowing it to be stolen. He, therefore, submits that the present Anticipatory Bail Application should be granted.

4. The learned APP submits that before this matter could be heard, this Court had already rejected another Anticipatory Bail Application of the present applicant. She further submits that the applicant has nine criminal antecedents and is involved in the business of purchasing stolen property.

5. I have heard the learned advocates for both sides. I have already rejected Anticipatory Bail Application No. 2709 of 2024 today. The present applicant has nine criminal antecedents, and he has not been granted protection, as I have already rejected Anticipatory Bail

Application No. 2709 of 2024 today. Considering the contents of the F.I.R. as well as the statements and materials forming part of Anticipatory Bail Application No. 2709 of 2024, it is beyond doubt that the present applicant is knowingly purchasing stolen gold articles from accused persons who are part of a gang. *Prima facie*, the present applicant appears to be a part of that gang.

6. I do not find any merits in the present Anticipatory Bail Application. Hence, **the present Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)