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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 348 OF 2025

Vijaya Shyamrao Kambale ...Applicant
Versus
State Of Maharashtra ...Respondent

WITH
INTERIM APPLICATION (ST) NO.3553 OF 2025

Rekha Umesh Chavan ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Karansingh Rajpur a/w. Fauzan Shaikh, Advocate for the Applicant.

Mr. Ajay S. Patil, APP for the State.

Adv. Pratik Deshmukh a/w. Adv. Prashant Raul & Adv. Prashant Pawar, for Intervenor.

Mr. Abhijeet Pawar, Khadak Police Station Pune.

CORAM : RAJESH S. PATIL, J.

DATED : 14 FEBRUARY 2025

P.C.:

INTERIM APPLICATION (ST) NO.3553 OF 2025

1. Heard.
2. The learned Advocate for the Applicant in Anticipatory Bail Application has no objections if the Interim Application is allowed.

3. For the reasons mentioned in this Application, the same are allowed in terms of prayer clause (a).
4. The Interim Application is disposed of accordingly.

ANTICIPATORY BAIL APPLICATION NO. 348 OF 2025

1. The applicant is seeking anticipatory bail in connection with C.R. No. 0450 of 2024, dated 04 December 2024, registered with Khadak Police Station, District Pune, under Sections 316 (1) and 318 (3) of the Bhartiya Nyaya Sanhita, 2023.
2. The present Anticipatory Bail Application has been filed by a retired female employee of the Pune Municipal Corporation. The Anticipatory Bail Application was preferred by the present Applicant, along with her family members, before the Sessions Court. By its order dated 17 January 2025, the Sessions Court partly allowed the Anticipatory Bail Application for the other Applicants, except for the present Applicant.
3. It is the case of the prosecution that the Informant's mother in law had kept her jewelry in a box, which was handed over to the present Applicant for safekeeping. At times, the Informant would retrieve the jewelry box and later return it to the present Applicant for secure custody. After the death of the Informant's

mother-in-law, the Informant went to meet the present Applicant and took the jewelry box back to her home. Upon reaching home, it is alleged, she discovered that the box had been tampered with and that the jewelry inside was not the original but fake jewelry. Hence, after consulting her husband, the Informant filed an F.I.R.

4. It is the case of the present Applicant that the Informant's husband has a criminal background, with 13 criminal cases pending against him, including cases under Sections 307, 326 of the Indian Penal Code, as well as under MOCA. The Applicant, a retired employee of the Corporation, submits that she never took possession of the Informant's mother-in-law's jewelry box. Therefore, there is no question of returning the box back to the Informant. Hence, the question of returning the jewelry to the Informant does not arise. Consequently, the Informant's claim of discovering fake jewelry in the box is baseless.

5. The learned Advocate for Respondent No. 2 (Informant) submits that the present Applicant cheated the Informant's mother-in-law by taking away her original jewelry and replacing it with fake jewelry of a similar appearance in the same box. He submits that the Sessions Court has rightly dismissed the Application of the

present Applicant. He further submits that the statements of the witnesses have been recorded, which support the Informant's case. The learned APP has also opposed the present Anticipatory Bail Application.

6. I have gone through the contents of the F.I.R. and the documents on record. It is difficult to believe that the Informant, whose husband has a criminal background, would have kept their family jewelry in a box and handed it over to the present Applicant. There is no receipt or documentation with the Informant to prove that such a box was handed over to the Applicant. If the Informant wanted to keep the jewelry in safe custody, they could have easily deposited it in a bank locker or kept it in any other secure place of their choice.

7. In such a situation, prima facie case is made out by the Applicant to grant anticipatory bail on the following conditions:-

ORDER

- (a) **The Anticipatory Bail Application is allowed.**
- (b) In the event of arrest of the Applicant in connection with C.R. No. 0450 of 2024, dated 4 December 2024, registered with Khadak Police Station under Sections 316 (1) and 318 (3) of the

Bharatiya Nyaya Sanhita, the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station, as and when called.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

6. In view of the above, **the present Anticipatory Bail Application is disposed off.**

(RAJESH S. PATIL, J.)