

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

Anticipatory Bail Application No. 597 of 2025

Sagar Nathaji Chavan

Age 35 years, Occ.: Business,

Resident of Survey No.71/2/21,

Flat-B-17, Santosh Nagar,

Mahavir Kunj, Katraj,

District Pune.

... Applicant

versus

1. The State of Maharashtra

(At the instance of Swargate

Police Station, Dist. Pune)

2. Sheela Sushil Jain

Flat No.05, Marbal House

Apartment, Opp. Kilbil School,

Salisbury Park, Pune.

...Respondents

Mr Ganesh Bhujbal, for the Applicant.

Mr S M Mangaonkar, APP, for Respondent / State.

PSI Ravindra Janardhan Kaspate, Swargate Police Station, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 20 August 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.526 of 2024, registered at Swargate

Police Station, Pune City, for offences punishable under Sections 305, 331(3) and 317(2)(4) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. It is the case of the prosecution that on 18 December 2024, certain articles comprising gold and silver ornaments were illicitly removed from the residential premises of the informant, thereby constituting an act of theft. During the investigation, it has been revealed that the applicant was found to be in possession of, or has otherwise acquired, the aforementioned stolen property. In view thereof, the applicant's conduct *prima facie* attracts the penal consequences envisaged under Section 317 of the BNS, pertaining to the offence of dishonestly receiving stolen property.

3. Mr Ganesh Bhujbal, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that after arresting the co-accused from whom the recovery was effected, the applicant has been arraigned as an accused. The applicant attended the concerned Police Station and cooperated with the investigation. There is nothing to be recovered or discovered from the applicant. The learned Counsel further submits that the applicant is ready to

abide by any conditions imposed by this Court.

4. On the other hand, Mr SM Mangaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for pre-arrest bail and contends that the offence is of a grave and serious nature. He submits that the co-accused stole the valuable articles and sold them to the applicant, who then took the further steps of transforming them into ingots. The applicant was at all material times aware that the goods were stolen, and he maintained continuous communication with the co-accused during the relevant time, indicating his active participation in the crime. The learned APP highlights that the applicant has criminal antecedents of a similar nature, and a portion of the stolen property is yet to be recovered, necessitating his custody. He further submits that if pre-arrest bail is granted, the applicant may engage in tampering with vital evidence or exerting influence over witnesses, compromising the integrity of the ongoing investigation.

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

6. It is a settled position in law that granting anticipatory bail is an extraordinary power. While regular bail is generally

considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail. There is no one-size-fits-all approach. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon careful perusal of the case records and material placed on record, it emerges that the applicant stands accused under Section 317 of the BNS for the offence of receiving stolen property. The investigative records reveal that the applicant appeared before the concerned Police Station on 3 January 2025, during which his statement was duly recorded. A plain reading of the said statement unequivocally indicates that the applicant admitted to having received approximately 100 grams of gold from the co-accused and further undertook to produce the same on the following day. However, contrary to his assurance, the applicant failed to present himself before the investigating agency on 4 January 2025, thereby demonstrating non-cooperation with the investigation. Instead, on 14 January

2025, the applicant lodged a complaint against the investigating officer before the Commissioner of Police. The timing and context of this complaint appear to be an afterthought, especially when viewed against the backdrop of his prior conduct. The records further disclose that the applicant maintained continuous contact with the co-accused during the relevant period. While a portion of the stolen property has been recovered from the possession of the co-accused, certain gold articles remain untraced, necessitating custodial interrogation of the applicant to facilitate recovery and ascertain the full extent of the crime. The co-accused appears to have implicated the applicant in the present offence. Moreover, the applicant's criminal antecedents, which reflect involvement in offences of a similar nature, lend credence to the apprehension that his release at this stage may obstruct the course of an effective investigation and lead to tampering with evidence or influencing witnesses. In light of the foregoing facts and circumstances, and considering the gravity of the allegations, the applicant's conduct post-admission, the pendency of recovery, and the necessity of custodial interrogation, this Court finds merit in the objections raised by the learned APP. The applicant has failed to make out a case for the grant of pre-arrest bail.

8. Accordingly, the application for anticipatory bail stands rejected.

(R.N. Laddha, J.)