

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

ANTICIPATORY BAIL APPLICATION NO. 2026 OF 2025

Akshay Lakshman Rathod

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Yuvraj Tajane a/w Mr. Sushant A. Khatake Advocate for the Applicant.

Mr. Shahaji Shinde, "B" Panel for Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 15.10.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 20 of 2025 registered at Palghar Police Station, for the offences punishable under Sections 306 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that the informant is the manager at Star Appliance Pvt. Ltd. On 29.12.2024, it was revealed that some of the aluminum circle kept pressing department were missing. An inquiry was made to the present

applicant and it was revealed that Security Guard Rohit Jha and Krishnapal Walmiki have committed the theft and have sold the goods in the scrap. The aluminum circles weighing 198 kgs were found with the scrap seller. The allegations against the applicant and other co-accused are of stealing the aluminum coils and circles belonging to the said company.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the FIR was lodged against the security guards that is Rohit Jha & Krushnapal Valmiki. It is submitted that there are no other criminal antecedents against the present applicant. It is further submitted that there is no need for custodial interrogation as the stolen articles have already been recovered.

6. On the other hand, the learned APP for the respondent-State submits that the applicant is the prime accused in the crime in question. It is submitted that during the inquiry, co-accused

Rohit Jha and Krushnapal Valmiki disclosed the name of the present applicant. The learned APP submits that all the stolen articles have not been recovered, and therefore, custodial interrogation of the applicant is necessary. It is further submitted that the applicant has been absconding after registration of the crime. It is submitted that considering the nature of crime the applicant may not be released Anticipatory Bail.

7. I have perused the first information report. The applicant is not named in the first information report. The learned APP has drawn my attention to the statements of the witnesses. However, it appears from the said statements that the alleged disclosure regarding the involvement of the present applicant was made by the co-accused even before lodging of the FIR still the FIR was lodged against the co-accused. There are no other criminal antecedents against the applicant. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.

b) In the event of arrest of the applicant in connection with Crime No. 20 of 2025 registered at Palghar Police Station, for the offences punishable under Sections 306 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

c) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

[N.R.BORKAR, J.]