IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.679 OF 2026

Shahanaj Mubarak Shaikh ...Applicant

V/s.

The State of Maharashtra And Others ...Respondents

Shri. Parvej N. Nadaf, Advocate a/w. Shri. Azar Bargiv, Shri. Pravin Patil, Shri. Tabrez Mursal, Advocates for the Applicant.
Shri. Nitin B. Patil, APP for the Respondent-State.
Ms. Supriya S. Koregave, Advocate for Respondent No.3
Shri. Khanderao Pundlik Koli, GPSI Karvir Police Station.

CORAM : NEERAJ P. DHOTE, J.
DATE : 25th NOVEMBER, 2026

P. C. :

1. This is the Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for Anticipatory Bail in Crime No.493/2026 registered with Karveer Police Station, Dist. Kolhapur, for the offence punishable under Section 305 (a) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. It is the case of the Prosecution that, the Applicant was working as the maid servant in the house of the Informant situated at Sainath Park,

near Raigad Colony, Pachgaon Tal. Karveer, Dist. Kolhapur for last four years. On 17.08.2026 the Wife of the Informant had opened the box in which her ornaments were kept. Since she was in hurry to go out of the house to attend the bhajan, she did not put the ornaments on her person and kept the same in the box. On 18.08.2026 all the family members of the Informant were present at home. On 19.08.2026 when the Informant and his Wife had gone out of the house, the Applicant was asked by the Sister-in-law of the Informant to come later for doing the household work, however the Applicant told her that, she will clean the utensils. At that time only Father of the Informant was present at the house. In the night, when the Informant's Wife checked the box in which the ornaments were kept, the ornaments were not seen. On 12.09.2026 the FIR was lodged and the aforesaid Crime came to be registered.

3. It is submitted by the learned Counsel for the Applicant that, the Crime is registered only on suspicion. There is no eye witness to the theft. The matter is reported to the police after a period of 24 days. The Applicant had attended the concerned Police Station and the Police had recorded her Statement. He submits that, there is no material to even remotely connect the Applicant with the theft and the Application be allowed.

4. It is submitted by the the learned Counsel for the First Informant and the learned APP for the State that, the Applicant was working as the maid servant in the house of the Informant for the last four years. The aspect of delay can be considered at the time of the trial. For recovery of the ornaments, the custody of the Applicant is required. They submit that, the Application be rejected.

5. The FIR shows that, only on suspicion the FIR is lodged against the Applicant who was working as the maid servant in the house of the First Informant for the last four years. The incident of theft, according to the Informant, is dated 19.08.2026. However, FIR is lodged on 12.09.2026 i.e. after a delay of 24 days. There is no reason mentioned in Column No. 8 of the FIR format, which pertains to the delay in lodging the FIR. The police papers show that, the Statement of the Applicant was recorded by the concerned Police on 14.09.2026. This indicate that the Applicant cooperated with the investigating machinery. There is nothing to connect the Applicant with the alleged theft, except suspicion. In this view of the matter, in my view, the Application needs to be allowed. Hence, the following order.

ORDER

(i) The Application is allowed.

(ii) In the event of arrest of the Applicant, namely, Shahanaj Mubarak Shaikh in connection with Crime No.493/2026 registered with Karveer Police Station, Dist. Kolhapur, for the offence punishable under Section 305 (a) of the BNS, she be released on bail on executing P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand) with one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigating machinery.

(iv) The Applicant shall not tamper with the Prosecution evidence in any manner.

(v) The fee of learned Counsel appointed for Respondent No.3 is quantified at Rs.10,000/- (Rs. Ten Thousand Only) to be paid by the High Court Legal Services Authority.

[NEERAJ P. DHOTE, J.]