

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4576 OF 2025

Nathabhai Hardasbhai Kuchhadiya

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyaram R. Gaud for the Applicant.

Mr. S.S. Ghag, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR No. 412 of 2025 registered with MHB Colony Police Station for the offence punishable under Sections 306, 316(4) 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. In short, it is the case of the prosecution that the informant along with Jignesh N. Kuchhadiya-(accused) was authorized collect Gold Ornaments from different parties from Bengaluru and Tamil Nadu. They collected Gold weighing

13455.22 Grams, worth more than 13 Crores. It is alleged that on 20.06.2025 co-accused committed theft of the said gold. During the course of investigation the involvement of the present applicant and other accused was revealed. From present applicant gold 10543.820 Grams was seized, applicant came to be arrested. On conclusion of the investigation chargesheet came to be filed.

3. Learned counsel for the applicant submits that the offence punishable under Sections 406 and 409 of Indian Penal Code does not get attracted against the applicant, neither clerk nor employee of the company, it is submitted that similarly placed accused i.e. Yash J. Odedara is enlarged on bail by the Trial Court. He referred to the said order in order to support his submission.

4. Learned counsel for the APP opposed the application by contending that the role of the present applicant is different then co-accused no 2-Yash. It is argued that applicant is Father of co-accused Jignesh who committed theft. There is ample evidence in order to show that applicant aided and abated

the said theft. According to the learned APP, same punishment as applicable to the principle offender gets attracted to the abettor of the crime. In this regard, reference is made in the statement of witnesses recorded during the course of investigation.

5. At the outset, it needs to be recorded that the applicant is father of co-accused Jignesh. As far as applicant's role is concerned, *prima-facie* evidence on record indicates that his role is different than co-accused- Yash. The statement of witnesses Mukeshbhai, Ismailbhai and Bharatbhai indicate that the applicant was actively involved in the act of commission of theft. Thus there is reason to accept the contention of the prosecution that applicant is not the recipient of the stolen property but is abettor to the crime. Such evidence is absent against co-accused-Yash, who is enlarged on bail.

6. Having regard to the said facts, the offence punishable against the principle offender is 10 years of imprisonment, which may extent upto life imprisonment. As rightly argued

by the learned APP that offence that abettor is also liable for the same punishment as applicable to the principle offender.

7. Thus, this is neither the case of grant of bail on parity nor on merit.

8. Hence, application stands dismissed.

(R. M. JOSHI, J.)