

MHCC050062512022



**IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.**

ANTICIPATORY BAIL APPLICATION NO.1879 OF 2022
IN
C.R.NO.980 OF 2022

PRAKRATI PRAVIN JAIN,

Aged : 26 years, Occ.: Self employed,
Permanent residential address at
Makan No. 120, Bungalow No. 60,
Old Nagar Palika Colony, Ward No. 34,
Neemuch, Madhya Pradesh-458441.

...Applicant/accused.

V e r s u s

**The State of Maharashtra
(Through M.H.B. Colony Police Station)**

...Respondent.

Shri Siddhesh S. Borkar, Advocate for the Applicant/accused.
Miss Aishwarya Krishnanhata, Advocate for the intervener.
Shri R.D. Machewar, A.P.P for the State.

**CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.09)
Dt.25th November, 2022.**

ORDER

1. The present application is filed by the applicant/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.3. Heard the learned advocate Shri Siddhesh S. Borkar for the applicant/accused, the learned advocate Miss Aishwarya Krishnanhata for the intervener & the learned A.P.P Shri R.D. Machewar for the State. I have gone through the case papers, say of the police, Intervener application Exh.5 and the documents. It is seen that the present applicant/accused alleged to have been committed the offences punishable u/s 380 of The I.P.C in Crime No.980 of 2022 wherein the offence is registered in M.H.B. Colony Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely Nehal Chirag Jain Dt.07.09.2012 alongwith the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the complainant and the accused were acquaintance with each other and the accused used to visit the house of the complainant but the accused came to the house of the complainant on 01.09.2022 and committed the theft of the golden ornaments etc worth Rs.5,85,000/- between 01.09.2022 at 10.00 P.M to 02.09.2022 at 12.00 noon whereby the complainant lodged the report in which the police registered the offence and investigated the matter and recorded the statements of the witnesses.

3. Obviously, the report including supplementary statement and the documents filed by the parties on record clearly shows that the

present applicant/accused used to visit the house of the complainant but she came to the house of the complainant on 01.09.2022 in the night and committed the theft of the golden ornaments etc worth Rs.5,85,000/- from the house of the complainant when the complainant had been to her work place. No doubt, the offence is serious in nature and the huge amount is involved in the present case whereby the custodial interrogation of the present applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit. This Court already rejected the Anticipatory Bail Application No.1670 of 2022 dt.10.11.2022 and there is no change of circumstances in the present application.

4. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby rejected.

(A.Z.Khan)

Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :- 25.11.2022.

Dictated on : 25.11.2022.

Transcribed on : 25.11.2022.

Checked and Signed on : 25.11.2022.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

25.11.2022 at 05.35 P.M.
 UPLOAD DATE AND TIME

(Ashok S Sugdare)
 NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.9)
Date of Pronouncement of JUDGMENT/ ORDER	25.11.2022
JUDGMENT/ORDER signed by P.O. on	25.11.2022
JUDGMENT/ORDER uploaded on	25.11.2022