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IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 2767 OF 2022
CNR NO. :MHCC02-016956-2022

1. Mukesh Dwarkadas Soni]
Age : 54 years, Occ.: Business,]
R/at : 401, Chitralkha Flats,]
Opp. Shatrunjay Tower, Ambawadi-]
Vistar, Ahmedabad,]
Gujrat - 380 015.]

2. Rashmiben Jashvantlal Kapadia]
Age : 53 years, Occ.: Service,]
R/at : 482, B/j Prakash Cinema,]
Patni Shery, Kalupur,]
Ahmedabad,]
Gujrat - 380 001.] Applicants/accused.

Vs.

The State of Maharashtra]
(V. P. Road police station, Mumbai.)] Respondent

Appearances :-

Ms. Yogini Ugale, Ld. Advocate for the Applicant.
Ms. Jyostna Gawali, Ld. A.P.P. for Respondent/State.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,
SHRI A.A. KULKARNI (C.R. NO.24)
DATED : 19th DECEMBER, 2022**

**(O R A L O R D E R)
(Dictated and pronounced in the open Court)**

This is an application under section 438 of Cr. P.C. for anticipatory bail. Heard Ld. Advocate for applicant and Ld. APP for the State. Perused the application, say and documents on record.

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2. It is contention of Learned Advocate for applicant that V. P. Road police station registered crime No. 529 of 2022 on the basis of information of informant Nikhil Chawda for the offence punishable under section 408 of IPC. It is further contention that police issued them notice on 12/12/2022 and directed them to produce gold, allegedly purchased from accused Ramesh Kumar Rawal . It is contention of Ld. Advocate for applicant that name of applicant is not in First Information Report. There is no final conclusion of investigation, then also police are directing them to produce 300 Gram gold. In such circumstance, applicants are having apprehension of their arrest. Hence prayed for grant of bail in the event of arrest.

3. Ld. APP, IO and advocate for intervener opposed the application. It is their contention that during investigation it is transpired that applicant purchased 300 Gram gold from accused Ramesh Kumar Rawal as per memorandum recorded. Notice was issued to applicants to appear. Applicants are not co-operated. Hence prima facie involvement of applicants in commission of offence. Hence prayed for rejection of application.

4. In view of submissions from both sides, prima facie it is clear that applicants are neither servant or agent of informant. As per the allegations Ramesh Kumar Rawal committed theft of 5210.581 gram gold. Offence of 411 is not registered against applicants. Applicants are also not mentioned as accused then also as per notice issued by police it reveals that by final conclusion applicants are directed to produce 300 gram gold. Prima facie intention of police is recovered gold from applicants with the allegations of purchased by them. Unless there is any record and offence against applicants, he

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cannot be directed to do so. Therefore apprehension of applicants of arrest is based on real grounds. Hence applicants are required to protect as well as directed police for investigation. Hence I passed the following order :-

ORDER

1. Anticipatory Bail Application No.2767 of 2022 is allowed.
2. In the event of arrest in crime No.529/2022 registered with V. P. Road Police Station, the applicant No.1. Mukesh Dwarkadas Soni and 2. Rashmiben Jashvantlal Kapadia be released on bail on their execution of P.R. bond of Rs.50,000/- each with one or two sureties each in the like amount on following conditions :-
 - a) Applicants shall attend V. P. Road police station on notice of Investigating Officer and co-operate him in investigation.
 - b) The applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
 - c) The applicants shall not leave India without previous permission of the Court.
3. Anticipatory Bail Application No.2767 of 2022 stands disposed of accordingly.

Date : 19.12.2022

**[A.A. KULKARNI]
ADDITIONAL SESSIONS JUDGE
GREATER MUMBAI**

Dictated on : 19.12.2022
Transcribed on : 20.12.2022
HHJ signed on : 20.12.2022

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

Upload Date	Upload Time	Name of Stenographer
20.12.2022	5.30 p.m.	Samruddhi Jadhav

Name of the Judge (With Court Room No.)	HHJ SHRI. A.A. KULKARNI (CR 24)
Date of Pronouncement of JUDGMENT /ORDER	19.12.2022
JUDGMENT /ORDER signed by P.O. on	20.12.2022
JUDGMENT /ORDER uploaded on	20.12.2022