



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

**ANTICIPATORY BAIL APPLICATION NO.1933 OF 2022
(CNR NO.MHCC05-006448-2022)**

Smt. Rashmi Nilesh Adhiya)
Aged : 56 years, Occ: Housewife)
Residing at New SarojApartment, Block Sector,)
Bhayander West, J.P. Thakur Marg, Thane,)
Maharashtra 401 101.) **..Applicant**

Versus

The State of Maharashtra)
(At the instance of Sr. Inspector of Goregaon)
Police Station, vide their C.R. No.1041 of 2022)) **..Respondent**

Adv. Mr. Kailas Rashivate h/f. Adv. Mr. Darshan Shedge for the
applicant.

APP Mrs. Usha Jadhav for the State.

**Coram : His Honour Addl. Sessions Judge,
Ashish Ayachit
(C.R.No.8)**

Date : 9th December, 2022.

ORDER

This is pre-arrest bail application filed under Section 438 of
Cr.P.C. in respect of Crime No.1041/2022 for the offence punishable
under Section 380 of I.P.C.

2. Perused the application and say of Investigation Officer.
3. Heard Adv. Mr. Kailas Rashivate h/f. Adv. Mr. Darshan

Shedje for the applicant and APP Mrs. Usha Jadhav for the prosecution.

4. The offence is registered against the unknown person. It is alleged that the unknown persons have stolen two idols, one photo and one sq.ft. Silver tray, two Surya-yantra, one Spiro-meter, one silver coin weighing 100 gms. and two moti mala, total worth Rs.15,000/-. The police served notice to the applicant/accused under Section 41A(1) of Cr.P.C. and asked her to remain present on 28.1.2022 for interrogation but thereafter she moved this application.

5. Advocate Mr. Kailas Rashivate submitted that the applicant is 56 years old. Her husband is suffering from illness. Her son is always out of home for doing labour work. She has permanent residence. She will co-operate in investigation. She has not committed any offence. Police suspected only on the basis of CCTV footage and therefore, he requested for anticipatory bail to the applicant.

6. As against this, learned APP Mrs. Usha Jadhav for the prosecution strongly opposed the application and has invited attention of the court towards the say filed by the Investigation Officer. She submitted that there is strong and sufficient evidence against the applicant that she is involved in stealing of articles mentioned in the FIR. She submitted that there is CCTV footage as well as CDR of the location of the applicant/accused. She further invited my attention to the fact that one priest/poojari namely Shankar Banat handed over two idols worth Rs.5000/- to the police which was kept with him by the applicant/accused. Thus, she vehemently submitted that there is prima facie involvement of the applicant. The custodial interrogation of the applicant is necessary for recover of stolen property. Hence, she requested to reject the anticipatory bail application.

7. I have carefully gone through the record. It seems that there is sufficient evidence against the applicant which shows involvement in the crime. Investigation Officer has not recovered the entire stolen articles. As such the custodial interrogation of the applicant is necessary. I, therefore, pass the following order:

ORDER

Anticipatory Bail Application No.1933/2022 is rejected and stands disposed off, accordingly.

Date: 9.12.2022

(Ashish Ayachit)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictated by HHJ on : 9.12.2022
Transcribed on : 9.12.2022
Signed by HHJ on : 9.12.2022

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

UPLOAD DATE AND TIME : 10.12.2022 5.40 P.M.	ATUL SURYAKANT BHOGTE NAME OF STENOGRAPHER
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Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	09.12.2022
Judgment/Order signed by P.O. on	09.12.2022
Judgment/Order uploaded on	10.12.2022