

1. Asif Abdul Shaikh
2. Munir Makandar Applicants
 Vs.
State of Maharashtra Respondent

CORAM: P.D. KODE, J.

DATED: JANUARY 30, 2015

1. Learned APP has opted to argue the matter on the basis of investigation papers in view of I.O. being present.

2. Heard. Considering the account of the incident, as reflected from the FIR, there appears substance in the submission canvassed that applicability of Section 395 of IPC qua

the applicants would be a highly debatable question. It appears accordingly, as the FIR reveals, that after the first informant had been to the house of the accused persons for questioning them about missing of a gold chain on the person of her grandson, the incident in question has occurred. Even the matters from the FIR do not reveal that the applicants have committed any act of robbing the complainant of her gold bangles. Having regard to it and having regard to the allegations pertaining to commission of offence under Section 354(B) of IPC, apart from the applicability of the same being debatable, it is difficult to perceive that custodial interrogation of the applicants would be necessary for completion of the investigation as the investigating agency has details of all the acts allegedly committed by the applicants. Hence, the application is allowed. The I.O. of Crime No.I-376 of 2014 of

Rabodi Police Station, District Thane is hereby directed that in the event of arrest of any, or both of the applicants, he shall forthwith release him/them upon each of them furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties to make up like amount, subject to conditions that the applicants, after their release, shall (i) attend the I.O. in between 6:00 p.m. to 8:00 p.m. on every alternate day for a period of two weeks and thereafter on every Monday and so also on any other day on which they would be summoned by the I.O.; (ii) not, directly or indirectly, make any inducement, threat or promise to persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer; and (iii) not misuse the protection granted vide this order for fleeing

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away or for committing any further offence.

3. The application accordingly stands
disposed of.

(P.D. KODE, J.)