

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 418 OF 2015

Mustakim Siraj Shaikh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Sandesh V. More for the Applicant.
Ms.S.S. Kaushik, APP for Respondent-State.
API – Lad, Bandra Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 8th APRIL, 2015.

PC.

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.
2. The applicant seeks pre-arrest bail in connection with C.R. No. 649/14 registered with the Bandra Police Station, Mumbai, for the alleged offence punishable u/s. 394 of the Indian Penal Code.
3. The learned counsel for the applicant states that several N.C. complaints have been registered by the ladies from the area against the

family members of the first informant. He submitted that in a case of theft of a goat a complaint was lodged by one Sayara Shaikh on 19/10/2014, against the mother-in-law of the first informant, and that in the said case the applicant's wife is a witness, and as such the complainants family harboured a grudge against the applicant and his wife.

4. It is alleged by the prosecution, that on 7-12-2014 the applicant had robbed the mobile phone, of the complainant's son, and had voluntarily caused hurt to him. Pursuant to the alleged incident an FIR was lodged.

5. Learned counsel for the applicant states that even if the allegations are taken as they are, no offence under section 324 has either been registered or made out as against the applicant. He submits that a false case has been filed against the applicant. He further submitted that there is nothing on record, to show that the phone that was lost, cost Rs. 1,000/-. The learned counsel for the applicant states that the applicant, without prejudice, is ready to deposit Rs. 1,000/- which was the alleged cost of the lost mobile.

6. It appears that several cases are lodged between the parties and

that the relations between the parties are strained. Considering the nature of allegations and the fact that the relations between the parties were strained, it is doubtful, whether the theft of the mobile was committed or not. Hence, the custodial interrogation of the applicant is not necessary. The applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall report to the Bandra Police Station, Mumbai, as and when called for by the Investigating Officer.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

9. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)