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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 6929 OF 2015**

Syed Shakeel s/o Syed Yusuf ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Mohsin Khan, Advocate for applicant;  
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 10<sup>th</sup> February, 2016**

**ORDER :**

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.1 of 2014, registered with police station, Chandanzira, Dist. Jalna, for offence punishable under section 379 of the Indian Penal Code, for an incident which took place on 27<sup>th</sup> August, 2014.

2. The prosecution story against the applicant is that he impersonated himself by name Jagtap Chaudhari and hired Innova Taxi for journey from Bombay to Jalna and ran away with the said vehicle.

3. Learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail, made two-fold submissions

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(a) that the supplementary statement of the Driver of the said taxi was recorded on 2<sup>nd</sup> November, 2014 and the applicant was in custody of police in C.R. No.58 of 2014 for offence punishable under section 406 of the Indian Penal Code and as such, the applicant could have been arrested at that time only and (b) present crime is registered against the applicant with an intention to save the original customer by name Jagtap Chaudhari, whose detailed address is available with the investigating agency. Thus, he submits that the applicant be released on pre-arrest bail.

4. Learned Addl. Public Prosecutor has opposed the application on the ground that there are various offences pending against the applicant. He then would urge that though the investigating agency sought custody of the applicant, it is upon his request which was accepted by the Court, he was hospitalized, from where he took advantage of bail granted in an earlier offence. According to him, custodial interrogation of the applicant is necessary. Thus, he prayed to reject the application.

5. Perusal of the investigation papers depicts that there is sufficient evidence on record to infer *prima facie* involvement of the applicant in the crime in question. Apart from above, it appears that various offences of similar nature like the one punishable under section 406 of the Indian Penal Code registered against the applicant are under investigation.

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6. In view thereof, the applicant does not deserve grant of pre-arrest bail. Thus, Criminal Application fails and stands rejected.

**(N.W. SAMBRE, J.)**

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