

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1214 OF 2016

1 Gulam Mustafa Shaikh.
2 Mohammed Yusuf Shaikh. ... Applicants.

Versus

The State of Maharashtra. ... Respondents.

Mr. Eknath V. Sawant, advocate for Applicants.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 14, 2017**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 The applicants herein are apprehending their arrest in Crime
No. 330 of 2015 registered at Bazarpet Police Station, Kalyan, Dist.
Thane for offence punishable under section 420, 406, 467 read with
section 34 of the Indian Penal Code. It appears from the record that

in the said case two accused namely, Shoeb Khedawala and Nasir Shaikh were arrested as they were named in the FIR. The present applicant has not been named in the FIR. The learned Counsel for the applicant submits that it was on the basis of the some statement made by the co-accused while in police custody that the applicants are apprehending their arrest.

3 By an order dated 20/7/2016, the applicants were granted interim protection. It is not the case of the prosecution that the applicant has not cooperated with the investigating agency. Hence, the order dated 20/7/2016 deserves to be confirmed on the same terms and conditions.

4 Hence following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicants in Crime No. 330/2015 registered with Bazarpeth Police Station, Kalyan, for the offences

punishable under sections 420, 406, 467 read with section 34 of the Indian Penal Code, they shall be released on bail on their executing P.R. Bond in the sum of Rs. 20,000/- each with one or more sureties in like amount.

(iii) As applicants are permanent residents of Gujarat, Investigating Officer to issue notice to applicants in advance to make themselves available for investigation.

5 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)