

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 1662 OF 2017

Zaid Ibrahim Patel @ Zaid Mohummed
Ibrahim Patel

....Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Gaurav Parkar for applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 29th NOVEMBER 2017

P.C.:

1] By a reasoned Order dated 20th September 2017 the applicant was granted interim relief and by a subsequent Order dated 15th November 2017, the applicant was directed to attend the Investigating Officer on stipulated dates and to join the process of investigation. Learned APP on instructions submitted that, though the applicant attended Investigating Officer on stipulated dates, he did not cooperate in the process of investigation.

2] The first information report is lodged by Shri Nijamuddin Shaikh, Store Manager of Shift Electronic Corporation, Wakad, Pune. It is stated that the said Company is having godown at Tathawade, Pune wherein the said Company used to store their electronic goods. That on 7.6.2017 at about 8.30 p.m the said godown was closed and a lock was put on the shutter of the said godown. That on 8.6.2017, the owner of the said godown informed the first informant and asked him to check whether the shutter of godown is broken. Therefore the first informant went to the spot and observed that somebody had broken open the shutter of the said godown and the goods kept therein were stolen. In the premise the first information is lodged.

3] During the course of investigation, police have received confidential information that other four accused namely Chinak Chodhari, Chandbabu Mohammed Soharab, Abdul Asif Khan and Baban Yadav have committed theft at the said godown of the first informant. Thereafter the said persons were arrested. During the course of custodial interrogation of accused persons, they revealed the fact that some of the goods stolen from the godown of the first informant have been given to the applicant and other co-accused. In pursuance of the said information received by the

police during the course of investigation, police are seeking custody of the applicant for recovery of the said goods. That in pursuance of directions of this Court, though the applicant attended the Investigating Officer, he did not co-operate in the process of investigation. It is the stand of the applicant that, he is not party to the said crime and has no knowledge about the same, though the aforesated four accused persons inter alia mentioned his name as recipient of stolen goods.

4] The record clearly indicates that, during the course of custodial interrogation the aforesated accused persons they have categorically named the applicant as one of the persons who has received the stolen property. After taking into consideration serious allegations against the applicant, gravity of offence and since the recovery of goods is yet to be effected, the custodial interrogation of the applicant is imperative.

5] In view of the above, the applicant does not deserve to be protected by pre-arrest bail and the application is accordingly rejected.

(A.S.GADKARI, J.)