

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1745 OF 2017

Soheb Shabbir Shaikh

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr.S.V.Marwadi, a/w. Mr.Rushit Thakkar for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State.

CORAM : A.M.BADAR, J.

DATE : 6th OCTOBER, 2017

P.C.

The applicant/accused in Crime No.I-28 of 2017 registered against him with Tarapur Police Station for offences punishable under section 379 of the I.P.C. as well as under sections 83, 177, 189 of the Motor Vehicles Act and under section 11 of the Prevention of Cruelty to Animals Act by this application is seeking pre arrest bail.

2. Learned advocate appearing for the applicant. He argued that the applicant is in no way concerned with the crime in question but only because he is on inimical terms with the owner of the Omni car bearing no. MH 04 CM 1028, he is falsely implicated in the crime in question.

3. The learned A.P.P. opposed the application by contending that the statement of the owner of the vehicle shows that the car was rented out to the present applicant and in fact he was carrying a cow in that car which ultimately met with an accident.

4. I have carefully considered the rival submissions. Apart from section 379 of the I.P.C, other offences pressed in service against the present applicant are bailable in nature. So far as offence punishable under section 379 of the I.P.C. is concerned, the learned A.P.P. fairly admits that nobody has lodged a complaint about the theft of a cow. The FIR lodged by the police constable Rajendra Bhanudas Kedar reveals that on 20th June, 2017 he found abundant Omni car bearing registration no. MH 04 CM 1028. He also found a cow in that car. The car was abundant because it met with some accident.

5. *Prima facie* it is seen that the evidence against the present applicant is in the form of the statement of the co-accused. Nobody has lodged any report regarding theft of the car. In this view of the matter, custodial interrogation of the present applicant is not warranted and interest of the prosecution can be taken care of by directing the applicant to attend the investigator for the purpose of investigation. Nothing is to be recovered from him. Hence, the order. The application is

allowed. The applicant/accused in Crime No.I-28 of 2017 registered with Tarapur Police Station for offences punishable under section 379 of the I.P.C. as well as under sections 83, 177, 189 of the Motor Vehicles Act and under section 11 of the Prevention of Cruelty to Animals Act, in the event of his arrest be released on bail on his executing P.R.Bond of Rs.15,000/- and on furnishing surety in like amount. The applicant shall not tamper with prosecution witnesses.

6. As a condition of this order, the applicant should not extend any threat, promise or inducement to persons acquainted with the facts of the acquisition against him, so as to dissuade them from disclosing the same either to the court or to the Police.

7. The applicant should attend the concerned police station on every 2nd and 4th Sunday in between 11.00 a.m. and 01.00 p.m. till filing of the charge-sheet.

(A.M.BADAR, J.)