

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 331 OF 2018

Amir Sabir Shaikh

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. P.V. Vare for the Applicant.

Ms. A.A. Takalkar APP, for the Respondent-State.

Katwani, API, Nirmal Nagar Police Station.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2018.

P.C.:-

By an Order dated 22nd February 2018, the Applicant was granted interim relief.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the record of investigation.

3 The first information report is lodged by Shri. Najarealam Ajijulrahman Shaikh, alleging that when he had been to his native place, somebody committed criminal trespass in his house and committed theft of valuables of Rs.70,000/- from his house. The present crime is registered against an unknown person. During the course of the investigation, the police have recorded statement of

neighbours almost after 3 months from the date of commission of the offence. The said witnesses stated that they had seen Applicant near the house of the first informant on the alleged date of incident. Prima facie, it appears that apart from an inordinate delay in recording the statement of the said witnesses, the version of the said witnesses is little doubtful.

4 In view of the above, the Applicant is entitled to release by pre arrest bail.

Interim order dated 22nd February, 2018 is hereby confirmed.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)