

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 381 OF 2018**

Rahul Ashok Patil

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Manoj Pandit for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

Mr. Rajendra Kumbhar, PSI, Meghwadi Police Station.

CORAM : A. S. GADKARI, J.

DATE : 19th JULY, 2018.

P.C.:-

The Applicant was granted interim relief by an Order dated 28th February, 2018 and was directed to attend the Investigating Officer on stipulated dates to join the process of investigation.

2 It is the fact on record that, the locker in question i.e. locker No. 99 with Saraswat Co-operative Bank, Jogeshwari (East) Branch, was being operated by the first informant, the Applicant and the their friend Amol Payer. The said locker was being operated by any one of the said persons.

3 It is the case of the prosecution that, the Applicant had also kept his own valuable articles in the said locker. In view thereof,

the allegations of theft of the articles by the Applicant from the said locker are to be assessed. It, *prima facie*, appears that the said locker was being operated by the said three persons individually since 2013 till 2017 and therefore, *prima facie*, it is difficult to accept the contention of the first informant about Section 380 of the Indian Penal Code, as alleged against the Applicant.

4 The record of investigation indicates that, the Applicant has attended the Investigating Officer in pursuance of the Order passed by this Court and has joined the process of investigation.

5 After taking into consideration the peculiar facts of the present case this Court is of the considered view that, the custodial interrogation of the Applicant for further investigation of the crime is not necessary.

6 In view thereof, interim relief granted by Order dated 28th February 2018, is hereby confirmed.

 However, the condition to attend the Investigating Officer is waived.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)