

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

ANTICIPATORY BAIL APPLICATION NO. 782 OF 2018

Dhondu Ziparu Desai	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Gaurav Parkar for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.
Mr. Parshuram B. Bhoir, Rasayani Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.20 of 2018 registered with Rasayani Police Station, District-Raigad, for offences punishable under Section 379 and 429 of the Indian Penal Code, 1860.

2. Heard Mr. Gaurav Parkar, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Bharat Dhebe. A perusal of the FIR prima facie reveals that on 12.3.2018 two cows and one bull belonging to the first informant had gone missing. On 14.3.2018 he saw that his bull was tied to a tree next to the house of the Applicant. He also saw that two carcasses of cows were lying behind the house of the Applicant. The first informant therefore, suspected that the Applicant herein had tied his bull with an intention of committing theft. He also suspected that an unknown person had poisoned and killed his cows.

4. The FIR does not attribute any specific role to the Applicant as regards administration of poison to the cows. The allegations of theft are based on suspicion mainly on the ground that the bull was found tied to a tree near the house of the Applicant. The allegations levelled against the Applicant do not justify custodial interrogation. Furthermore, by order dated 19th April, 2018 the Applicant was granted interim bail. The learned counsel for the Applicant has submitted that the Applicant has already reported to the Investigation Officer and that his presence is not required for the purpose of interrogation. The Applicant is a permanent resident of Taluka-Panvel, hence there is no possibility of his absconding or thwarting the course

of justice. The learned APP has submitted that the Applicant has no criminal antecedents.

5. Considering the above facts and circumstances, in my considered view the Applicant is entitled for pre-arrest bail. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest of the Applicant in C.R. No.20 of 2018 registered with Rasayani Police Station, District-Raigad, the Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)