

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

CRI. ANTICIPATORY BAIL APPLICATION NO.1742 OF 2018

Abhishek Jayanti Anawadia

.. Applicant

Vs.

State of Maharashtra

.. Respondent

WITH

CRI. ANTICIPATORY BAIL APPLICATION NO.1743 OF 2018

Md. Sadam Ali

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Satish J. Agarwal, Advocate for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent - State in ABA 1742 of 2018.

Mr.A.R.Kapadnis, APP for the Respondent - State in ABA 1743 of 2018.

Mr.Abad Rauf Gani Shaikh, API, Sakinaka Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 30, 2018.

P.C. :

Applicants in both these applicants are seeking anticipatory bail in connection with crime No.394 of 2018, registered with Sakinaka Police Station for the offences punishable under Section 392 read with 34 of IPC.

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First Information Report was lodged by Mr.Haider

Mohammed Siddique Shaikh, on 26th June, 2018, against the co-accused Darshak and three unknown persons. It is alleged that the factory of the complainant had taken the contract of stitching clothes of co-accused Darshak. Accordingly, the clothes were ready, but, Darshak did not make the payment. On 15th June, 2018, the accused entered into the work premises of the complainant and forcibly took away readymade garments from the factory of the informant by threatening the workers of the complainant. First Information Report was registered on 26th June, 2018.

3 In pursuant to registration of FIR, the main accused Darshak was arrested by the police. He was granted bail on 18th August, 2018.

4 Applicant preferred application for anticipatory bail before the Sessions Court, which were rejected.

5 Learned advocate for the applicant submits that the commercial dispute between the complainant and the main accused Darshak is in respect to stitching the garments. It is submitted that the co-accused was arrested and he has been

granted bail. The readymade garments, which were belonging to the main accused have been seized by the police. It is submitted that false allegations are made by the complainant and others. Garments belonging to the complainant was also taken away by the accused. It is submitted that the applicant in ABA 1743 of 2018, is the employee of main accused.

5 Learned APP appearing in both the matters have opposed grant of anticipatory bail. It is submitted that the applicants were present at the time of incident. They had forcibly entered into the factory of the complainant and took away goods belonging to the complainant. Applicant in ABA 1743 of 2018 had used his vehicle in carrying the goods belonging to the complainant and it is also stated that the statement of Basappa Pujari was recorded in which he has stated that he want to examine eye witness of the incident being employee of the complainant. He was allegedly assaulted by the accused. It is submitted that the co-accused was arrested and at his instance readymade garments viz. Shirts were recovered, but, the other material is yet to be recovered, the custodial interrogation of the accused is necessary.

6 I have also gone through the documents on record. The alleged incident had occurred on 15th June, 2018. FIR was lodged on 26th June, 2018. Applicant in ABA 1743 of 2018 is the employee of accused no.1. The main accused was arrested on 1st August, 2018, and was released on 18th August, 2018. Some of the goods are recovered from the main accused. It is the prosecution case that the applicants were acting at the instance of main accused as there is dispute as to the payment of amount as set out in the FIR. The main accused was in custody from 1st August, 2018 till 18th August, 2018. The version of Basappa Pujari reflected in the statement is not referred to in the FIR by the complainant. In any case, the custodial interrogation of the applicant is not necessary. In the circumstances, case for anticipatory bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application Nos.1742 and 1743 of 2018, are allowed;

- (ii) In the event of arrest of the applicants in connection with CR No.394 of 2018, registered with Sakinaka Police Station, Mumbai, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;
- (ii) The applicant shall attend Sakinaka Police Station, Mumbai, once in a week on Saturday between 10:00 a.m. to 12:00 noon, till filing of the charge - sheet;
- (iii) Applicant in both the applications are directed not to tamper with the evidence;
- (iv) Anticipatory Bail Application Nos.1742 of 2018 and 1743 of 2018, are disposed of.

(PRAKASH D. NAIK, J.)