

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

ANTICIPATORY BAIL APPLICATION NO. 2127 OF 2018

Jarina Mohmmad Amin Ansari ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Bhushan Deshmukh for the Applicant.
Mr. S.S.Pednekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 29, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.17 of 2009 registered with Dindori Police Station, Nashik for offences under Section 380 r/w. 34 of IPC.
2. Heard Mr. Deshmukh, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .
3. The FIR lodged by Deepak Kashinath Rahane prima facie

indicates that on 17th February, 2009 at about 10.00 a.m. two burkha clad ladies had entered his jewellery shop and they had purchased one ring. He had stated that the said ladies had slid the glass of the counter-top and committed theft of gold ornaments worth Rs.3,10,000/-. The first informant had stated that he had seen the face of one of said burkha clad ladies and that he and his employee could identify her.

4. The records reveal that in the course of investigation of another crime, the Investigating Officer learnt about the complicity of the co-accused in the present crime. He therefore arrested the co-accused in the present crime. It appears that the applicant has been implicated on the basis of the statement made by the co-accused. Apart from the statement of the co-accused before the police, which is otherwise not admissible, there is no other prima-facie material to show the involvement of the applicant in the said crime. Furthermore, the investigation is concluded and the chargesheet has been filed. Hence the presence of the applicant is not required for interrogation and investigation.

5. In the facts and circumstances of the case, in my considered

view, this would not be a case for custodial interrogation. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No.17 of 2009 registered with Dindori Police Station, Nashik, the applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer for four days from Monday 5th November, 2018, and as and when required by the Investigating Officer for the purpose of investigation and interrogation;
- (iii) The applicant shall provide her permanent as well as temporary address, if any, and her contact details to the Investigating Officer;
- (iii) The applicant shall not change her residential address without prior intimation to the Investigation Officer;

(ANUJA PRABHUDESSAI, J.)