

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2576 OF 2018

Mohd. Alam Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2506 OF 2018

Chetan Devadiga	Applicant
versus	
The State of Maharashtra	Respondents

Mr.Kartik S. Garg for applicant in both matters.
Mr.M.G.Patil, APP, for State in ABA No.2576/2018.
Mr.P.P.Jadhav, APP for State in ABA No.2506/2018.
Mr.S.D.Bhujbal, PSI, MIDC Police Station, Mumbai, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th December 2018

PC :

1. The applicants in both these applications are seeking relief under Section 438 of Code of Criminal Procedure, 1973 apprehending arrest in CR No.112 of 2017 registered with MIDC Police Station, Mumbai for offence under Section 392 r/w Section 34 of Indian Penal Code.

2. The FIR was lodged on 24th March 2017 alleging that on 17th December 2016 the complainant had returned home at about 3.00 am after attending a party. The applicant in ABA No.2506 of 2018 and one unknown person questioned him. He was assaulted and the accused had snatched his golden chain and bracelet and left the

place. The name of other accused was not mentioned in the FIR. Apparently the FIR was lodged belatedly after a period of about three months.

3. The applicants had preferred application for anticipatory bail before the Sessions Court which was rejected on 15th April 2017. Learned counsel for applicants submitted that although the application was rejected by Sessions Court on the aforesaid date, there was no apprehension of arrest and they had not moved the High Court seeking anticipatory bail. However, police had now visited the residences of applicants with an intention to arrest them. Learned counsel submitted that after the incident dated 17th December 2016 both the parties had approached MIDC Police Station and cross complaints were lodged by them against each other which were treated as non-cognizable complaints. In the complaint lodged against the applicants which was treated as non-cognizable complaint for offence u/s 323, 504 of IPC, it was stated that during the scuffle, the complainant had lost his bracelet and golden chain. However, as stated hereinabove, in the FIR which was lodged belatedly, the complainant has changed his version and has alleged that the ornaments were snatched by the applicants-accused.

4. Learned APP pointed out the NC complaint lodged by the present complainant against opponents to fortify the submission advanced by the advocate for applicants. In the light of aforesaid circumstances, custodial interrogation of the applicants is not necessary.

5. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicants in both these cases in connection with CR No.112 of 2017 registered with MIDC Police Station, Mumbai, the applicants be released on bail on furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- (ii) The applicants shall attend the investigating officer of MIDC Police Station as and when called for till filing of charge sheet;
- (iii) Both the anticipatory bail applications stand disposed off.

(PRAKASH D. NAIK, J.)

MST