

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2580 OF 2018

Mohammed Hasan Gulam Ali Muchhada,
Age 30 years, R/o.Room No.217,
Suleman Manzil, Near Garib Nawaz Masjid,
Bombay Colony, Mumbra, Dist.Thane.

Applicant

versus

The State of Maharashtra

Respondent

Ms.Jidhi S. Sharma for applicant.

Mr.P.P.Jadhav, APP, for State.

Mr.Gaikwad, PSI, Mumbra Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th December 2018

PC :

1. This is an application for anticipatory bail in CR No.I-18 of 2016 registered with Mumbra Police Station for offence under Section 379 of Indian Penal Code.

2. The FIR was lodged on 8th January 2016. It is alleged that two vehicles viz motorcycle and a tempo were allegedly stolen by unknown persons and in respect to which FIR was lodged on 8th January 2016. Admittedly another FIR was registered with Nerul Police Station vide CR No.14 of 2016 on 3rd February 2016 which was also in connection with theft of vehicle. The applicant was arrested in the said case and during custodial interrogation allegedly the motorcycle which was subject matter of present FIR, was recovered at the instance of applicant. Subsequently the applicant

has been granted bail in CR No.14 of 2016. It is therefore implicit that present FIR is pending for investigation since 2016 and while the applicant was in custody in another case as stated above, the motorcycle which is subject matter of present case has been recovered. However, there is no recovery of other vehicle which is involved in the present case. The investigating machinery is drawing an inference that the applicant is involved in commission of theft of the tempo which is also subject matter of present FIR. Although there is no authentic evidence to show that the applicant has committed theft of that vehicle. The applicant was already in custody in the other CR and in which he is granted bail. In the circumstances custodial interrogation of the applicant is not called for. Case for anticipatory bail is made out.

3. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2580 of 2018 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No.I-18 of 2016 registered with Mumbra Police Station, Thane, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Mumbra Police Station on every Friday between 10 an and 12 noon till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST