

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.17 OF 2019

1. Arif Sabir Shaikh, Age 27 years,
R/o.Kranti Nagar, Nizampura, Bhiwandi.

2. Bilal Ahmad Momin, Age 28 years,
R/o.Room No.1, Hasan Fakin Chowl,
Bhiwandi.

Applicants

versus

The State of Maharashtra

Respondents

Mr.Satyawrat Joshi I/by Nilesh Mohite for applicants.

Ms.A.A.Takalkar, APP, for State.

Mr.S.T.Gosavi, PSI, Shivaji Nagar Police Station, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th January 2019

PC :

1. This is an application for anticipatory bail in CR No.I-378 of 2018 registered with Shivaji Nagar Police Station, Ambernath. The offences were registered under Sections 341, 363, 394, 120-B r/w 34 of Indian Penal Code. Subsequently Section 395 was added.

2. The prosecution case is that the accused had robbed the complainant and his son. The accused-applicants also committed theft of the vehicle along with goods lying in the vehicle. During the course of investigation the accused were arrested. The interrogation of the co-accused revealed that the applicants are the persons who had participated in the crime.

3. Learned advocate for applicants submitted that except the statement of the co-accused, there is no other evidence against

applicants. Applicability of Section 395 of IPC is doubtful. The co-accused were arrested and property is already recovered. The custody of the applicants is not required.

4. Learned APP submitted that cash taken away from the complainant, his cell phone are yet to be recovered. The complicity of applicants is revealed in the investigation. The identification parade of the applicant is yet to be conducted. Prima facie there is evidence to show the involvement of applicants. The incident apparently is on account of business rivalry and allegedly the applicants had acted at the instance of co-accused. Considering the aforesaid circumstances, no case for grant of anticipatory bail is made out. Accordingly, Criminal Anticipatory Bail Application No.17 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST