

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

ANTICIPATORY BAIL APPLICATION NO.53 OF 2019

Md. Kasim @ Mannu Md. Hashim Momin	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Ms.Nagma F.H. Ansari, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.T.R. Salankhe, PSI, Shantinagar Police station, Bhiwandi,
District – Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

This is an application for bail in connection with C.R.No I -289 of 2018, registered with Shantinagar Police Station, Bhiwandi, District-Thane, for the offences punishable under Sections 408 and 420 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 26th September, 2018. The case of the prosecution is that the driver of the complainant had removed the spare parts of Swift D'zire car and the same were sold in connivance with the applicant and the other accused. The spare parts valued Rs.38,000/-, were being removed by the co-accused.

2 Learned counsel for the applicant submits that the provisions of Section 408 of IPC is not applicable to the applicant. It is further submitted that the applicant is being impleaded on the basis of the statement of the co-accused recorded in the remand application. Hence, custody of the applicant is not necessary.

3 I have perused the FIR and other documents. The case of the prosecution is that driver of the complainant has removed the spare parts from the car. During the course of interrogation, statement of co-accused i.e. the driver of the complainant was recorded who has stated that in connivance with the applicant and the other accused, the spare parts were removed and sold. During the course of investigation, the complicity of the applicant is disclosed it requires custodial interrogation of the accused. Hence, no case for grant of anticipatory bail is made out. Hence, anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)