

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.237 OF 2019

Ayub Ibrahim Sayyed, Age 38 years,
R/o.M.K.Patel Nagar, Ground Floor,
Room No.11, Gulzar Galli, Bandra,
Naupada, Mumbai-400 050.

Applicant

versus

The State of Maharashtra

Respondent

Adv.Shabnam Shaikh with Girish Pawar for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Rakesh V. Vare original complainant, is present.

Mr.Vikas Mali, PSI, Khar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 29th January 2019

PC :

1. This is an application for anticipatory bail in connection with CR No.606 of 2018 registered with Khar Police Station for offences u/s.379 of Indian Penal Code. The case of complainant is that on 19th December 2018 the applicant had stolen iron grill fixed on drainage and AC duct of the society worth Rs.13.14 lakhs without consent of society. It is the case of complainant that he was appointed as care taker and in that capacity the FIR was lodged.

2. The advocate for applicant submits that the complainant has no authority to file complaint. He was not care taker. The society had lodged the complaints against the stores of complainant. The applicant was authorized by the shop keepers which is apparent from the document annexed at Exhibit-F to this application which is

purportedly signed by the shop keepers. It is submitted that the said document itself mentions that the applicant has been falsely implicated in this case and as per their request they have removed the grill and AC duct. Learned APP submitted that CCTV footage indicate that the aforesaid articles were removed by applicant between 230 am to 4.15 am. It is submitted that the applicant had no authority to remove the said articles. Learned counsel for applicant, however, submitted that value of the articles was to the tune of around Rs.14,000/-. The complaint is false. Custodial interrogation is not necessary.

3. Admittedly subject articles were removed by the applicant. The letter purportedly authorizing the applicant to remove the articles does not mention the date. It appears to have been typed on the letter head by an advocate. The signature of the advocate is not appearing on the said document. The articles were removed at unusual time. The aforesaid letter also mentions that signatories have called the applicant to remove shade and install fans and colour. Letter does not mention that the applicant was permitted to remove the AC duct and grill. Complicity of applicant is disclosed during investigation. Therefore, no case for grant of anticipatory bail is made out. Accordingly, this application is rejected.

(PRAKASH D. NAIK, J.)

MST