

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

ANTICIPATORY BAIL APPLICATION NO. 495 OF 2019

Ahmed Javed Khan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Ms.Nazneen Adil for the Applicant.
- Mrs.G.P. Mulekar, APP for the Respondent-State.
- Mr.V.R. Rathod, PSI, Shil-Daighar Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th FEBRUARY, 2019.

P.C. :

1] This application is for anticipatory bail in connection with C.R. No.I-236 of 2018 registered with Shil-Diagher Police Station for the offence punishable under Sections 454, 457, 465, 380, 411 read with 34 of the Indian Penal Code.

2] The brief facts of the Prosecution case is that the Complainant is running his business by name H.M. Steel Traders at Super-market, Uttar Shiv regarding sale of iron sheets. He has a godown at village Bhandharli-gaon and used to keep the goods purchased by him in the said godown. On 17th December, 2018, his

servant locked the godown. On 18th December, 2018 at about 12.00 noon, it was noticed that the lock of the godown was broken and iron sheets worth Rs.4,42,773/- were found to be stolen by breaking the lock and entering into the godown. Accordingly, the FIR was lodged. During the investigation seven persons were arrested. The Accused Nos.1 to 6 had allegedly committed the theft by breaking the godown and the goods were handed over to Accused No.7.

3] The Applicant preferred an application for anticipatory bail before the Sessions Court, which has been rejected vide order dated 18th February, 2019. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in this case. Similar case is registered against him wherein he has been granted anticipatory bail. It is submitted that the goods which were involved in this present crime are recovered by the police and hence, custodial interrogation of the Applicant is not necessary.

4] Learned APP submits that the Applicant is involved in this crime. His involvement was disclosed during the course of investigation. The Applicant has conducted recce of the place of incident. He is the mastermind behind the crime. He had provided tempo for transporting the stolen goods. On his direction the crime is

committed. The Applicant keeps on changing his sim-card of cell-phone.

5] I have perused the documents. The case of the Prosecution is that the goods were stolen from the godown. The co-accused were arrested and during the course of investigation the complicity of the Applicant was disclosed. The Applicant is also shown to have been involved in four other similar cases. Apparently, in three cases, the Applicant has been granted anticipatory bail and in one case the application for anticipatory bail is pending. However, on going through the investigation papers, it is apparent that the Applicant's involvement is revealed during the course of investigation. The Applicant is also having criminal antecedents.

6] Considering the aforesaid circumstances, no case for grant of bail is made out. Hence, the application is rejected.

[PRAKASH D. NAIK, J.]