

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.887 OF 2019

Tanveer Muktar Sayyed and another	Applicants
versus	
The State of Maharashtra	Respondent

Ms.Sneha Singh for applicants.
Mr.S.V.Gavand, APP, for State.
Mr.P.I.Limkar, Investigating Officer, PSI, Malvani Police Station,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th July 2019

PC :

1. This is second application for anticipatory bail. The previous application viz ABA No.506 of 2019 was disposed of vide order dated 27th February 2019 with following observations :

“After arguing the matter for some time, when the Court was not inclined to grant bail, learned Counsel for the applicants sought permission to withdraw this application.

Hence, Application is allowed to be withdrawn and the same stands disposed of.”

2. Learned counsel for applicants submitted that while the earlier application was considered, certain vital documents were not placed on record. It is submitted that the FIR is a counter blast to the NC complaint lodged by the uncle of applicant no.1 on 9th November 2017. It is submitted that the first informant had executed a declaration on 16th October 2017 on receipt of amount of Rs.12.50

lakhs from the uncle of applicant no.1. The said amount was not returned to the lender. The uncle of applicant no.1 had lodged NC complaint on 9th November 2017. After a period of about one and half year, the present FIR was lodged by the first informant. It is also submitted that the FIR is totally false and no offence as alleged in the FIR is made out. It is also submitted that on the date of lodging the complaint, the first informant had lunch together with the applicants which falsifies the allegations made in the FIR. It is further submitted that the applicants are willing to co-operate with the investigation and willing to attend the Police Station as and when directed. It is also submitted that investigation is completed and statements of witnesses were recorded. It is also submitted that the medical examination of the first informant was conducted after a period of seven days.

3. Learned APP submitted that the allegations made in the FIR and the investigation conducted by police was taken into consideration by this Court while deciding the earlier application. Since the Court was not inclined to allow the application for anticipatory bail, the application was sought to be withdrawn. It is submitted that the applicants are not available and they are absconding. Learned APP also submitted that attempts were made to arrest the applicants, however, they were not available. He also pointed out the investigation papers and the medical report with regards to the injuries sustained by the complainant.

4. I have perused the documents on record and the investigation papers. Admittedly earlier application was argued and since the Court was not inclined to grant anticipatory bail, the said application

was allowed to be withdrawn. The earlier application was withdrawn on 27th February 2019. Since then the applicants are not available for the purpose of investigation. The arguments advanced by the advocate for applicants are the matter of defence and to be argued at the time of trial. Considering the nature of allegations, the relief, as prayed for in this application, cannot be granted. Hence, the application is rejected.

(PRAKASH D. NAIK, J.)

MST