

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1472 OF 2019**

Manish Manharlal Mehta

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Mansha Khemka I/b Khemka & Associates for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 24th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 136 of 2019 registered with the BKC Police Station, Mumbai, for the alleged offences punishable under Sections 454, 381 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the property papers allegedly stolen, belonged to the applicant's father. She submits that it is co-accused-Mayur Lele, who handed over the said documents to the

applicant. She submits that there was no money as alleged by the complainant, in the said locker. She further submits that the applicant has handed over the original document with respect to his father's property, to the concerned Investigating Officer.

4 Perused the papers. It is the prosecution case that on 8th May 2019, on the instructions of the applicant, co-accused-Mayur Lele entered the premises and committed theft of property papers from the complainant's locker. It is alleged that Rs. 5,00,000/- kept in the said locker, were also stolen by Mayur Lele. The applicant was granted interim protection vide order dated 9th July 2019. It is not in dispute that the applicant has handed over the original property papers pertaining to his father i.e. Agreement to Sell, which is on page 28 of the application, to the Investigating Officer. Learned counsel for the applicant submits that three other property documents allegedly given by the co-accused-Mayur Lele to the applicant are not with the applicant.

5 Since the said documents are registered with the Sub-Registrar's Office i.e. Agreement to Sell, it is always open for the

Investigating Officer to apply and take a copy of the said document from the Office of the Sub-Registrar. Admittedly, the applicant had not entered the premises. It *prima facie* appears that co-accused-Mayur Lele had entered the premises.

6 Having regard to the facts, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 30th, 31st July and 1st August 2019 from 10:00 a.m. to 12:00 noon and thereafter as and when called till the filing of the charge-sheet;
- (iii) The applicant to cooperate with the investigating agency as well as in the conduct of the trial.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.