

Anand

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

BAIL APPLICATION NO. 2267 OF 2019

Haroon Jais Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Abdul N. Pathan, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.09.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 435 of 2018 registered with the Bhiwandi City Police Station, Mumbai, for the alleged offences punishable under Sections 454, 380, 457, 414 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Mohammed Nasim Mohammed Hanif Ansari, when he was returning home from Masjid on 19.12.2018 at about 08:35 p. m., he received a mobile call from his younger brother – Kalim Ansari that power loom machine and kandi machine were stolen from their factory. Pursuant

thereto, a complaint was lodged as against unknown persons for theft of articles valued at Rs. 3,45,000/-. During the course of investigation, three accused were arrested (not the Applicant) and few articles and cash was recovered from them. As far as the Applicant is concerned, the Applicant is not alleged to have committed theft of the articles from the Complainant's factory. As far as the document which is on page No. 34 of the Application is concerned ('Vikri Karar'), the same also does not prima facie show the complicity of the Applicant. The Applicant is in custody since 07.04.2019. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 12.00 noon for a period of 12 months** from the date of his release;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall co-operate in the conduct of the trial.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)