

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1823 OF 2018

Anwar Zamin Khan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ali Bubere for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

Mr. P.M. Prabhu, API, BKC Police Station.

CORAM : A. S. GADKARI, J.

DATE : 13th MARCH, 2019.

P.C.:-

By a reasoned Order dated 7th September, 2018, the Applicant was granted interim relief and was directed to attend the Investigating Officer on the stipulated dates, to join the process of investigation. The learned APP, on instructions from the Investigating Officer, submitted that the Applicant has complied with the said conditions.

3 The record of investigation clearly indicates that, the wife of the Applicant is the lawful owner of the shop gala in question and it is Mr. Niyaz Shaikh, who had taken alleged security deposit from the informant without any lawful consent of the Applicant and/or his

wife. The learned counsel appearing for the Applicant submitted that the wife of the Applicant has already registered a complaint with BKC Police Station against Niyaz Shaikh. As per the record, the Applicant is aged about 72 years and is a senior citizen.

4 After perusing the record of investigation, this Court is of the view that, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary.

Interim relief granted by an Order dated 7th September, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)