

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

ANTICIPATORY BAIL APPLICATION NO.2031 OF 2018

Farhan Jilani Kokani & Anr.
Vs.
State of Maharashtra

... Applicants

... Respondent

.....

Mr.Viresh Purwant, Advocate for the Applicants.
Mr.A.R. Kapadnis, APP for Respondent – State.
Mr.N.M. Ghalekar, API, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : JANUARY 31, 2019.

P.C.

This is an application for anticipatory bail in connection with C.R.No.I-171 of 2018, registered with Wagle Estate Police Station, Thane. Applicants contend that they were arrested in connection with C.R.No.884 of 2017 for the offences punishable under Sections 420, 406, 506 read with 34 of Indian Penal Code (“IPC”, for short), registered with Bhadrakali Police Station, Nashik. On 23rd December, 2017, applicants were arrested and remanded to custody and subsequently released on bail. It is further contended that during the course of investigation, the applicants have pointed out that vehicles are in possession of accused. It is submitted that present complaint relates to vehicle bearing No.MH-04-HN-0124 (TATA Indigo Car). Learned counsel for the applicants also pointed out police report dated 7th April,

2018, which was submitted in the Court, wherein it is indicated that the said vehicle is subject matter of C.R.No.884 of 2017, the investigation is going on. Present FIR was registered on 9th September, 2018. It is contended that vehicle which is subject matter of the present crime is also under investigation in C.R.No.884 of 2017, for which the applicants have already undergone detention and they were released on bail. It is further submitted that further detention of the applicants is not necessary as the police have been investigated in respect to the grievance relating to the said vehicle. Merely on the ground that the complainant has lodged separate complaint, the applicants cannot be arrested and subjected to custody.

2 On the contrary, learned APP submitted that applicants are involved in several cases and the anticipatory bail application preferred by them in respect of another crime was rejected by this Court. Apparently, after rejection of the said anticipatory bail application which was in respect to C.R.No.271 of 2018, registered with Kalwa Police Station, District - Thane, the applicants were arrested and subsequently granted bail. The present complaint is lodged by the owner of the vehicle, and, therefore, applicants' custodial interrogation is necessary.

3 The applicants are granted interim protection vide order dated 6th October, 2018. Applicants had attended police

station on 15th October, 2018. Subsequently, by order dated 16th October, 2018, the condition of attendance was modified on account of grievance made by the applicants. Learned counsel for the applicants submitted that the vehicle is in custody of one Samson Parakhe, who is impleaded as an accused in connection with C.R.No.884 of 2017, registered with Bhadrakali Police Station, Nashik. Anticipatory Bail Application preferred by said accused in C.R.No.887 of 2017 has been rejected by this Court. Learned counsel for the applicants submit that said accused is not yet arrested. Considering the factual aspects of the matter, the interim order passed by this Court can be confirmed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2031 of 2018, is allowed;
- (ii) In the event of arrest of the applicants in connection with C.R.No.171 of 2018, registered with Wagle Estate Police Station, Thane, the Applicants be released on their furnishing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;

- (iii) Applicants shall attend Wagle Estate Police Station, Thane on 7th and 8th February, 2019, between 11:00 a.m. to 01:00 p.m.;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)