

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2618 OF 2019

Nafiza Hajimiya Patel

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Vivek Patil i/b Somnath A Kashid, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the state-respondent.

Mr. M. K. Suryvanshi, Kharghar Police Station, Navi Mumbai,
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th November, 2019

PC :

1. This is an application for Anticipatory Bail in connection with C. R. No. 368 of 2019 registered with Kharghar Police Station, Kharghar for offences punishable under Sections 379 r/w Section 34 of Indian Penal Code.

2. The case of the complainant is that in October 2018 she had brought goat. She went to her matrimonial home on 22nd May 2019 with family for one month. The goat was kept in cage. She had requested her neighbour to look after the goat. The complainant returned home on 4th June 2019, she noticed that goat was missing from cage. She made enquiry with her neighbour and learnt that goat was taken away by applicant and her children. The FIR was lodged on 8th October, 2019.

3. Learned counsel for the applicant submits that the complainant is the sister of the applicant. There are several complaints registered against her and she was extorted. The applicant is not involved in theft of the goat.

4. Learned APP submitted that the statement of the witnesses shows that the goat was taken away by the applicant. There is nothing on record to show that the complainant was extorted. The statement of witnesses implicates applicant. C.C.T.V. footage supports prosecution case.

5. The complainant had purchased goat in October 2019. She went to her matrimonial house on 22nd May 2019. She returned on 04th June, 2019. She realized that goat is missing and learnt that applicant and her children had taken away goat. However, the FIR was adopted after 4 months. According to prosecution C.C.T.V. footage shows that accused had taken away goat on motorcycle. There is no cogent evidence that it is the same goat. The applicant is sister of complainant. The applicant had lodged complaint against complainant and another person on 23rd June, 2010 with Kharghar Police Station under Section 323, 504, 506(2), 354 of IPC. Learned Advocate submitted that villagers had filed complaints against complainant. Applicant needs to be subjected to custodial

interrogation. Hence, case for granting Anticipatory Bail is made out.

ORDER

- i) Anticipatory Bail Application No. 2618 of 2019 is allowed.
- ii) In the event of arrest of applicant in connection with C. R. No. 368 of 2019 registered with Kharghar Police Station, Kharghar, applicant be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report the Investigating Officer on 4th, 5th and 6th December, 2019 between 11.00 am. to 2.00 noon. and thereafter as and when called for.
- iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)