

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

CRIMINAL BAIL APPLICATION NO. 3146 OF 2018

Shaikh Babar Shaikh Akhtar	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Mubin Solkar i/b. Mr.Mateen Shaikh for the Applicant.
- Mr.R.M. Pethe, APP for the Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2019.

P.C. :

1] The Applicant is arrested on 12th May 2018 in connection with C.R. No. I-20 of 2018 registered with Narpoli Police Station, Bhivandi, District Thane, for the offence punishable under Sections 465, 467, 468, 474, 420 and 120B read with 34 of the Indian Penal Code.

2] The case of the Prosecution is that the accused are involved in commission of the theft of the vehicles and by changing the engine and chassis number, the vehicles are sold to third persons. The Investigating Machinery had so far arrested about 31 persons. It is alleged that the Applicant is the owner of a garage and the vehicles

which are involved in the crime were brought to the garage for changing the engine and chassis numbers at Aurangabad and thereafter, the same are sold to third persons. After changing engine and chassis numbers, the same are being sold to third persons.

3] Learned APP submits that about 19 persons are already released on bail by the trial Court out of 21 who are arrested during the course of investigation.

4] Learned counsel for the Applicant submits that the co-accused Shakil Abdul Shaikh and Samir Khan Nasir Khan Pathan were granted bail by this court vide Bail Application No. 3065 of 2018 and Bail Application No. 2989 of 2018 vide order dated 5th February, 2019 and 16th January, 2019 respectively. He further submits that the offence are at the most punishable with maximum imprisonment of 7 years and the same are triable by the Court of Magistrate. It is further submitted that the accused who are involved in conspiracy and in commission of theft of the vehicles and changing the chassis numbers are already released on bail. Amongst the persons who are released on bail, 14 persons are granted bail by the trial Court and two accused were granted bail by this Court.

5] Learned APP submits that the accused are involved in serious crime, the vehicles which are stolen are being sold by changing chassis numbers and engine numbers. The Applicant has played role in commission of the said crime by using his garage. It is submitted that the role assigned to the co-accused were granted bail can be distinguished. Several other persons are still absconding. The Applicant was arrested at Aurangabad in another case and during the course of investigation, the statement was made by him leading to the discovery and his involvement in the present case.

6] It is pertinent to note that this Court while granting bail to Samir Khan Nasir Khan Pathan has observed that the Charge-sheet is filed and 9 persons are already granted bail and some of them are absconding. It was also observed that about 35 vehicles are recovered from the prospective buyers and that the maximum punishment provided for the offence is 7 years. The other accused Shaikh Abdul Shaikh was granted bail in pursuant to the order granting bail to the aforesaid accused. Apparently, the role attributed to them was theft of vehicles. It is noted that several persons are granted bail. In the circumstances, there is no impediment in granting bail to the Applicant on certain conditions.

7] Hence, following order.

:: ORDER ::

- (i) Bail Application No. 3146 of 2018 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 20 of 2018 registered with Narpoli Police Station, Bhivandi, District Thane, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) As the Applicant is resident of Aurangabad, he is directed to report Satara Police Station at Aurangabad once in a month on first Saturday of the month between 11 am to 1 pm.
- (iv) A single default on the part of the Applicant will entitle the prosecution to move for cancellation of bail.
- (v) The Applicant shall not influence the prosecution witnesses or tamper with the evidence.

[PRAKASH D. NAIK, J.]