

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 ANTICIPATORY BAIL APPLICATION NO.933 OF 2020

ARIF RASHID SHAIKH
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Tambe Rahul A.
APP for Respondent-State : Mr. S. Y. Mahajan.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17-12-2020.

PER COURT :

1. Present applicant is apprehending his arrest in connection with Crime No.104 of 2020, dated 13-07-2020, registered with Ashvi Police Station Dist. Ahmednagar for the offences punishable under Section 395, 397 of IPC.
2. Heard learned Advocate Mr. R. A. Tambe for applicant and learned APP Mr. S. Y. Mahajan for respondent-State. In order to cut short, it has been stated that both of them have vehemently submitted their statements in support of their respective contentions. Learned APP insisted that the Test of Identification Parade in respect of the present applicant is necessary as he is stated to be armed with stick and his name has been disclosed by the co-accused.

3. It is to be noted that the incident is stated to have taken place at about 00.15 hours on 13-07-2020. Informant was informed about the incident by one labour Mohit Pandit serving in the hotel managed by the informant. Said Mohit Pandit disclosed that about six persons were stealing the boxes containing beer bottles from the godown of the hotel. Thereafter, the informant and other labourers went to the said place. They found that those persons had fled away. Thereafter, the police and the owner of the hotel was informed. It is also stated that four persons were arrested and those four persons disclosed the name of the present applicant and other persons. Taking into consideration the said contents of the FIR, the physical custody by police appears to be not required. The Test of Identification Parade will have to be held when the person is in Magisterial custody, and therefore, by giving necessary directions, the investigation can be asked to go on. Therefore, the present application deserves to be allowed, accordingly it is allowed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of the applicant Arif Rashid

Shaikh, in connection with Crime No.104 of 2020, registered with Ashvi Police Station Dist. Ahmednagar, for the offences punishable under Section 395 and 397 of IPC, he be released on PR of Rs.30,000/- (thirty thousand) with two sureties of Rs.15,000/- each (fifteen thousand).

3) The applicant shall remain present before Investigation officer on every Monday and Thursday between 10.00 a.m. to 02.00 p.m., till 01-02-2021, and shall co-operate with the investigation.

4) He shall not indulge in any criminal activity.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-