

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.108 OF 2020

Khalid Sabeer Bagwan Tuljapure

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ajit V. Atange for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st January 2020

PC :

1. This is an application for anticipatory bail in CR No.1287 of 2019 registered with Fauzdar Chavadi Police Station, Solapur, for offences under Sections 380 and 457 of Indian Penal Code.

2. The prosecution case is that on 26th November 2019 the FIR was lodged contending that the complainant had received amount after selling the land and out of the said amount Rs.45,000/- was kept in iron cupboard. The balance amount was kept with his daughter. On 25th November 2019 the complainant's sister and niece had gone to stay with his wife who was staying in Ghongde Vasti, Solapur. Thereafter applicant took his meal, closed the doors of house and slept out of his house. At about 3.30 to 4 am the people were shouting Chor-Chor. Hence he woke up. The people were chasing the thief. The complainant went behind him. He saw a unknown person who was running. His mobile fell down from the pocket. It bore the photo of the applicant. He was known to the applicant. Thereafter he saw that doors of his house were open and

the lock was lying there. He went into the house and noticed that the cupboard was tampered and cash kept in the cupboard was missing.

3. The applicant preferred application for anticipatory bail before the Sessions Court, which was rejected on 18th December 2019.

4. The contention of the applicant is that he is acquainted with the complainant as both of them are in business of at Laxmi Market. The applicant is fruit vendor. He has no reason to commit theft. The complainant has taken disadvantage of having mobile hand set of the applicant in his possession. The applicant has no reason to make any duplicate key of the lock of the applicant. The allegation of opening the doors with the duplicate key is made intentionally to make out a case that complainant did not hear the sound of breaking the lock.

5. Learned APP submitted that investigation is in progress.

6. The case of complainant that he was sleeping outside his house when the accused had committed theft by opening the doors by duplicate key. It is difficult to believe that the duplicate key was prepared by the accused without the knowledge of complainant. The FIR narrates that one unknown person was running from the place of incident. The complainant was sleeping in front of his house. The version of complainant appears to be prima facie doubtful. In the circumstances custodial interrogation is not called for.

7. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.108 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.1287 of 2019 registered with Fauzdar Chavadi Police Station, Solapur, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST