

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.621 OF 2021

SABBIR @ SHABBIR ALLAUDDIN

...APPLICANT

VERSUS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Advocates for the Applicant : Ms. Sunita G. Sonawane

APP for the Respondent – State : Mr. V. S. Badakh

...

CORAM : V. G. BISHT, J.

DATE : 8th SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.0989/2020, registered with Karjat Police Station, Taluka Karjat, District Ahmednagar for the offences punishable under Sections 395, 341 and 400 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 09.10.2020 informant and his brother were going on a truck bearing No. HR-46-E-5703 to sell buffaloes. On 13.10.2020 on Ahmedabad Solapur Highway at about 3 to 3.30 a.m. near Indian Oil Petrol Pump, a four wheeler came in front of their truck and five

unknown persons committed dacoity by taking away buffaloes including the vehicle and their mobile phones. Accordingly First Information Report came to be lodged.

3. Ms. Sunita G. Sonwane, learned counsel for the applicant, submits that F.I.R. came to be lodged against unknown persons and the name of present applicant is nowhere revealed. The said vehicle at the relevant time was being driven by his brother Amir Allauddin as the same was given to him by the applicant. Moreover, a charge-sheet has already been filed. The vehicle is also in the custody of the Court and in such circumstances, there is no necessity of custodial interrogation.

4. Mr. V. S. Badakh, learned APP for the Respondent – State, on the other hand, admits that the said vehicle is already seized by the police and the order of the concerned Court is yet to be passed in respect of release of the property, namely, vehicle.

5. In view of the above, since the involvement of applicant is not prima-facie established and the fact that the vehicle in question is already seized by the police, in my considered opinion, custodial interrogation is not necessary.

6. In the circumstances, I am inclined to allow the application. Hence the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant – Sabbir @ Shabbir Allauddin herein in connection with Crime No.0989/2020, registered with Karjat Police Station, Taluka Karjat, District Ahmednagar for the offences punishable under Sections 395, 341 and 400 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only], with one or two sureties in the like amount.
- (iii) The applicant shall cooperate the investigation as and when called by the Investigating Officer.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-