

Anthony Das Arokyaswami @ Tony ... **Applicant**
Age 30 years, Occu: Business
R/o Shivnery Nagar, Kondhwa,
Pune 411 048

The State of Maharashtra,
Through Kotwali Police Station,
Ahmednagar.

CORAM : V. G. BISHT, J.
DATE : 23rd August, 2021.

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.5269/2020 registered with Kotwali Police Station, Ahmednagar for the offences punishable under Sections 379, 420, 406 r/w 34 of the Indian Penal Code, 1860.

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informant was suspecting the accused behind the theft of his car and accordingly lodged complaint. It should be noted here that the name of the present applicant was not disclosed in the said first information report.

3. Mr. S. A. Gaikwad, learned counsel for the applicant, submits that name of the present applicant came to be given by co-accused although he had absolutely no role to play in the alleged offence. Similarly, the name of the applicant is nowhere mentioned in the first information report and no overt act of whatsoever nature has been attributed to the present applicant. The learned counsel then submitted that the disputed vehicle i.e. Fortuner Car has already been recovered at the instance of other co-accused and therefore custodial interrogation of the applicant is not at all necessary.

4. Mr. V. S. Badakh, learned A.P.P., on the other hand, submitted that the name of the present applicant came to be revealed by the accused Tarbej Iqbal Shaikh who was behind the crime. There being no merit in the application, the same is liable to be rejected, urged learned A.P.P.

5. There is no dispute to the fact that the vehicle in question has already been recovered at the instance of the co-accused. There is also no dispute to the fact that no overt act of whatsoever nature has been attributed to the present applicant in the first information report. This

being so, in my considered opinion, the applicant has made out a case for consideration.

6. In view of above, I am inclined to allow the application.

7. The interim relief granted by this Court on 02.08.2021 is confirmed and is made absolute.

8. The application stands disposed of accordingly.

(V. G. BISHT, J.)

JPC