

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1086 OF 2021

Sadik @ Shadish @ Sajish s/o Jakit Kale ...Applicant

Versus

(1) The State of Maharashtra

(2) The Superintendent of Police Ahmednagar
Tq. & Dist. Ahmednagar ...Respondents

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Advocate for the Applicant : Mr. A. S. Gandhi
APP for the Respondent – State : Mr. V. S. Badakh

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2021

PER COURT :-

1. The applicant is apprehending arrest in Crime No. 236/2021 registered with Bhingar Camp Police Station, District Ahmednagar for the offences punishable under Sections 380, 458 and 461 of the Indian Penal Code. The First Information Report was registered on 24.06.2021.

2. The complainant has alleged that on 24.06.2021 at about 2.00 a.m. the door of her house found open. On hearing commotion the complainant woke up and saw that unknown persons had entered into her premises. They threatened her,

Three persons were armed with weapons. They took the gold from her person, cell phones and cash of Rs. 3,500/-.

3. During the course of investigation co-accused Shrihari Chavan was arrested. Some cash and three cell phones were recovered from him. Supplementary statement of the complainant was recorded wherein she had identified the cell phones recovered from the co-accused. The motor-cycle used in the crime was recovered, it belongs to the applicant. The applicant is relative of co-accused who had been arrested.

4. Learned Advocate for the applicant submitted that there are no criminal antecedents against the applicant. He has been falsely implicated in this case. The co-accused who had been arrested is the relative of the applicant and the motor-cycle was entrusted to him for riding. The cell phones and the cash is recovered. The complainant has not given any description of the accused who had been entered into her premises.

5. Learned APP submitted that the investigation is in progress. The involvement of the applicant is disclosed by the co-accused. Gold ornaments are yet to be recovered. Three cell phones were recovered from the custody of the co-accused who had been arrested. But the complainant has

identified one cell phone and the other cell phone is yet to be recovered. The motor-cycle belongs to the applicant.

6. The incident had occurred on 24.06.2021. The description of the accused who entered into the premises of the complainant had not been provided in the FIR. The co-accused was arrested. 3 cell phones were recovered. Motor-cycle was recovered at his instance and cash is also recovered from him. He had been released on bail. While in custody it appears that he has not given any clue with regard to the alighted gold ornaments of the complainant.

7. In the aforesaid circumstances, the applicant need not be subjected to custodial interrogation.

ORDER

- (i) Anticipatory Bail Application No.1086 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in Crime No. 236/2021 registered with Bhingar Camp Police Station, District Ahmednagar, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount.
- (iii) The applicant shall report Investigating Officer on 20th, 21st and 22nd October, 2021 between

11.00 a.m. to 01.00 p.m. and thereafter, as and when called for till filing of the charge-sheet.

(iv) Application stands disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-