

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 174 OF 2021

Afreen Amir Khan	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Ms. Gulestan Dubash a/w Mr. Harshal Damania a/w Mr. Durgesh Jaiswal, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

Mr. Rahul Kumbhar P.S.I. Kurar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in connection with C.R. No. 1003 of 2020 registered with Kurar Police Station, Mumbai for the offence punishable under Section 379 of Indian Penal Code, 1860(“IPC” for short).

2. The case of the complainant is that, she was wearing gold ornaments in the marriage ceremony of her sister. Subsequently, she had removed them and kept it in bag. The gold ornaments were found missing. The applicant was called by the bride for makeup on the day of incident. It is alleged that she was in the room, where the ornaments were kept. The statement of child witness is recorded, in which it is stated that the applicant told her to go out of the room,

under the pretext that she want to change her dress. Child told her that it would not make difference, if she remains there. She was forced to go outside. The door was closed. On the basis of these circumstances, it was suspected that the applicant is involved.

3. Learned APP submitted that during the course of investigation supplementary statement of the complainant has been recorded on 2nd February, 2021. In the said statement she has stated that she could trace her jewellery and the complaint dated 8th December, 2020 was lodged under misunderstanding. It is submitted on instructions that summery will be filed in this proceedings. In these circumstances, interim protection granted by this Court can be confirmed. Hence, I pass the following order :

ORDER

- (i) Anticipatory Bail Application No.174 of 2021 is allowed;
- (ii) Interim protection granted by this Court vide order dated 22nd January, 2021 is confirmed.
- (iii) In the event of arrest of the applicant in connection with in C.R. No. 1003 of 2020 registered with Kurar Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) Anticipatory Bail Application stands disposed of accordingly.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)