

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

CRIMINAL BAIL APPLICATION NO. 341 OF 2021

Sakib @ Salman Akhtar Ansari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Kushal Mor a/w Mr. Marmik Shah, Advocate for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th MARCH, 2021

PER COURT:

1. The applicant is arrested on 4th January, 2020 in connection with C.R. No. I-01 of 2020 registered with Ganeshpuri Police Station, Dist. Thane for offences under Sections 353, 332, 454, 457, 380, 511 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that, while police were patrolling on 4th January, 2020 at about 4.30 a.m. in the night, the applicant and his associates were found attempting to commit theft in temple. They were apprehended on the spot.

3. During the course of investigation applicant had stated that he is involved in another case of theft. Gold valued of Rs.2 Lakhs

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was recovered from him.

4. Learned counsel for the applicant submitted that applicant is young boy aged about 20 years. In two other cases he was shown to be involved, after his arrest in the present case. Those two cases were registered against unknown persons. There is delay in lodging FIR. If the applicant was apprehended on the spot, there was no reason to record FIR on next day.

5. Learned APP submitted that the applicant is habitual offender. He is involved in similar cases.

6. In the present case he has been charged for attempting to commit theft. He is in custody for a period of about 1 year 2 months. Considering the fact that the applicant is in custody for substantial period of time, on stringent condition bail can be granted to him. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 341 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-01 of 2020 registered with Ganeshpuri Police Station, Dist. Thane on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once

in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(iv) In the event the applicant is found involved in similar offence in future, the prosecution is at liberty to move application for cancellation of bail.

(v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)