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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 301 OF 2019

Peer Mohammed Shaikh and others

....Applicants

V/s.

The State of Maharashtra and another

....Respondents

None for the Applicant.

Ms. Sharmila S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: JULY 12, 2021.

P.C.:

1] Heard learned APP. Learned counsel for the applicant is absent. Matter is listed for hearing since it is pending since 2019 and the applicant-accused is enjoying interim relief since 11/02/2019.

2] Matter was listed before this Court time and again and was adjourned in view of pandemic. Lastly on 07/07/2021, when the matter was called out, counsel for the applicant remained absent. As such, today it is posted for dismissal.

3] Office has tried to establish contact with learned counsel for the applicants, however, it is informed that in view of advanced age, he is not in a position to work out the matter even virtually even though it is brought to his notice that matter is pending before this Court for last more than two years.

4] Be that as it may, the aforesaid circumstances prompted this Court to hear the matter with the assistance of learned APP.

5] Applicants are seeking pre-arrest bail in C.R. No. 506 of 2018 registered with Versova Police Station for offence punishable under Sections 457, 380, 324, 354, 427, 141, 143, 144, 147, 148, 149 of Indian Penal Code.

6] The allegations against present applicants by the complainant as per the prosecution case are, criminal trespass, theft, outraging modesty, assault etc.

7] There are criminal antecedents against applicant no. 1 Peer Mohammed Shaikh as learned APP invited my attention of pendency of about 11 offences against him of which some are bodily offences whereas some are in relation to moral turpitude.

8] Apart from above, the prosecution case against all three applicants is, they have actively participated in the commission of crime with a specific role. Applicant no. 1 assaulted a lady by a weapon. He has also tried to outrage the modesty.

9] Similar appears to be allegation against applicant nos. 2 & 3.

10] Prosecution has specifically pressed for custodial interrogation of the applicants in view of serious allegations particularly criminal trespass, dispossession, theft and outraging the modesty etc.

11] Learned APP informs that recovery has to be made from the

applicants in regard to the stolen articles in the crime so also weapon. As such, custodial interrogation of the applicants is necessary.

12] In the aforesaid background, I have perused the case papers including that of say given by Investigating Officer in the course of hearing of the present application.

13] It can be noticed that there are specific allegations against each of the applicant with active participation in a serious offence. Apart from trespass, dispossession, articles which were stolen and weapon needs to be recovered. As such, the claim of prosecution for custodial interrogation is justified.

14] In that view of the matter, no case for grant of pre-arrest bail is made out. Application as such fails, stands dismissed.

[NITIN W. SAMBRE, J.]