

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1000 OF 2019

Mohammed Shakeel Abdul Majid Momin	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Rajendra J. Rathod, Advocate for applicant.
Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2021

PC :

1. The applicant is apprehending arrest in CR No.36 of 2019 registered with Bhiwandi City Police Station, District Thane, for offences punishable under Sections 454, 457, 380 r/w 34 of Indian Penal Code. The FIR was registered on 23rd January 2019.
2. The prosecution case is that applicant and co-accused had entered into office of Shakil Raza Momin breaking open door and committed theft of DVR, hard disk, CCTV camera, TV and other articles.
3. The learned counsel for applicant submitted that the premises in question was never given on rental basis to Mr.Shakeel Raza Momin. The Sunni Jama Masjid Kotergate Trust has written a letter dated 28th January 2019 to the high ranking authorities about the same. There is a dispute over the control of the said trust between two groups.

4. Learned counsel for applicant submitted that charge sheet was filed against co-accused Mohammed Shamim Mohammed Yasin and Pervez Haji Aamin Momin and they were prosecuted vide RCC No.427 of 2019 before the Court of JMFC, Bhiwandi. The case has resulted in acquittal vide judgment and order dated 29th April 2019. The copy of judgment and order dated 29th July 2019 passed by learned JMFC, Bhiwandi is tendered for consideration.

5. The judgment dated 29th July 2019 indicate that complainant has not supported prosecution case. The other witnesses had also not deposed any incriminating evidence against accused before Court. Applicant was granted interim protection by order dated 25th April 2019.

6. Considering the aforesaid circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 25th April 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.36 of 2019 registered with Bhiwandi City Police Station, District Thane, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(PRAKASH D. NAIK, J.)