

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2119 OF 2021

Abdullah Najmuddin Khan

Applicant

versus

The State of Maharashtra

Respondent

Mr.Durgesh Jaiswal with Gulestan Dubash for applicant.

Mr.S.H.Yadav, APP, for State.

Mr.Jayesh Chavan, PSI, Agripada Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th September 2021

PC :

1. This is an application for pre-arrest bail in CR No.655 of 2021 registered with Agripada Police Station, Mumbai, for offences under Sections 379 r/w 34 of Indian Penal Code and under Section 25 of Indian Telegraph Act, 1885.

2. The complainant is working Jio Reliance. He received information that internet cable connection of Jio has been disconnected. He visited the place and found that one person is getting down from the tree along with co-accused. He fled from the place of incident. It was subsequently noticed that the accused took away joint closure valued about Rs.7,000/-.

3. During the course of investigation two persons were arrested. They were produced before the concerned Court for remand. The case of prosecution as reflected in the remand application is that during the interrogation the arrested accused had disclosed that the Joint Closure was sold to one Bantu.

4. It is alleged that the applicant was also involved in the incident of theft and he his custody is required. Learned counsel for applicant submitted that although name of applicant was referred to, no role was assigned to him. The applicant is not amongst the two persons who were seen at the place of incident and had allegedly taken away the joint closure. The co-accused were arrested and they have been granted regular bail.

5. Learned APP stated that custodial interrogation of applicant is necessary. His involvement was disclosed during investigation.

6. On perusal of the FIR it is apparent that there is reference of two persons connected with crime. The prosecution does not attribute any overt act to the applicant. The remand application disclosed that the stolen property was sold to one Bantu. It is not the case of prosecution that applicant is Bantu to whom the property is sold. In the circumstances no case is made out for custodial interrogation of applicant. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.655 of 2021 registered with Agripada Police Station, Mumbai, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 13th, 14th and 15th September 2021 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)