

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

ANTICIPATORY BAIL APPLICATION NO.2293 OF 2021

Ayesha Armoghan Ansari & Anr. .. Applicant

Vs.

The State Of Maharashtra .. Respondent

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Mr.Salman Khan, Advocate for Applicant.

Mr. Y.Y. Dabake, A.P.P. for the State-Respondent.

API Ganesh Musale, Bhoiwada Police Station, present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 24th SEPTEMBER, 2021**

PC.

1. This is an application for anticipatory bail in C.R. No.136 of 2021 registered with Bhoiwada police station for the offences under Sections 457 and 380 read with section 34 of the Indian Penal Code (for short "IPC"). The First Information Report (for short "FIR") was registered on 15.06.2021.

2. The case of the prosecution is that since January 2021, the complainant was entrusted with the premises and he was conducting mobile repairs shop. He keeps his articles in the premises. During the pandemic, premises was closed. In April 2021, the complainant approached the applicant No.1 for demanding his money, due to be paid by him. The applicant no.2 was present along with applicant No.1. They insisted to

hand over key of the premises and abused him. On 14.06.2021 he visited his shop and found that the articles from the shop were lying outside the shop. The cupboard was thrown out. The cash of Rs. 13,500/- was missing.

3. Pursuant to registration of FIR, co-accused Aarmoghan Ansari was arrested. He was produced before the Court for remand. Subsequently, he has been granted bail. He is the husband of applicant no.1.

4. On perusal of the FIR and other documents annexed to this application, it can be discerned that according to the complainant the premises was let out to him by applicant No.1. There is, apparently, dispute on account of handing over of the premises. Subsequently, it was found that lock was broken and articles were found stolen. The prosecution could not point out any evidence to show that the applicants were seen entering into the premises or taking away the articles or breaking the lock of the shop. Husband of the applicant No.1 was arrested and he has been granted bail.

5. Learned APP submitted that the CCTV in fact shows that one of the accused was breaking open the lock. The investigation is in progress. Statement of one of the witnesses indicate that the premises, which was let out to the complainant, does not belong to the applicants. It is the case of the applicant himself

that premises were let out to him and his articles were missing. While accused No.1 was arrested and cupboard was recovered, other articles were not found.

6. Considering the factual aspects of the matter, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order:-

ORDER

- (i) Anticipatory Bail Application No.2293 of 2021 is allowed.
- (ii) In the event of arrest of the applicants in C.R. No.136 of 2021 registered with Bhoiwada Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report Investigating Officer on 29th, 30th October, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for till filing of the charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)