

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

ANTICIPATORY BAIL APPLICATION NO. 1545 OF 2019

Anwar Najrul Islam Hossain	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 129 OF 2019**

ANTICIPATORY BAIL APPLICATION NO. 1545 OF 2019

Ajaha Hussain Najarul Islam	 Intervenor
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In the matter between :-

Anwar Najrul Islam Hussain	 Applicant
v/s.	
The State of Maharashtra	 Respondent

None for the Applicant.

Mr. P.H. Gaikwad, APP for the State.

Mrs. Suvarna Avhad Vast i/b. Mr. Prakash Salsirgikar
for the Intervenor.

Mr. Pradip Pagare, API a/w. Mr. Abhijeet Kale, PSI,
L.T. Marg Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th AUGUST, 2021.

P.C. :-

. This is an Application under Section 438 of Cr.PC. filed by the
aforesaid Applicant apprehending his arrest in FIR No.175/2019
registered with L.T. Marg Police Station for offences punishable under

Section 408 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the first information report lodged by Ajhar Hussain Najrul Islam, the brother of the Applicant. The first informant has alleged that he had handed over 3 kgs of gold to the Applicant for making gold ornaments. It is alleged that the Applicant did not return the said gold ornaments and thus cheated the first informant to the tune of Rs.1,02,00,000/-.

3. This Court (Coram : Revati Mohite Dere, J.) by order dated 16/07/2019, had granted interim bail to the Applicant with directions to report to the Investigating Officer on the dates specified in the order. The Applicant has complied with the said condition and his presence is not required for interrogation. Ms. Suvarna Avhad, learned counsel for the intervenor as well as the first informant who is present before the Court state that the dispute between the brothers has been settled and an Application for quashing the FIR will be filed before the Division Bench of this Court. Having regard to the peculiar facts, custodial interrogation of the Applicant is not warranted.

4. Considering the above facts and circumstances, the Application is

allowed on following terms and conditions :-

(a) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall furnish his current address and mobile contact numbers and/or change of residence or mobile details, if any, to the Investigating Officer.

5. The Application stands disposed of. Interim Application, if any, stand disposed of in view of disposal of the Anticipatory Bail Application.

PREETI
H JAYANI

Digitally signed by
PREETI H JAYANI
Date: 2021.08.20
14:16:41 +0530

(SMT. ANUJA PRABHUDESSAI, J.)