

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

ANTICIPATORY BAIL APPLICATION NO. 1803 OF 2019

Javed Kasim Sahed ... Applicant

Versus

The State of Maharashtra ... Respondent

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None for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th AUGUST, 2021.

PER COURT:

1. This is an application for anticipatory bail. The applicant is apprehending arrest in C.R. No. 235 of 2019 registered with Agripada Police Station, Mumbai for offences under Section 379 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The complaint is filed by the officer of the BEST. The First Information Report (for short ‘FIR’) was lodged on 27th July, 2019. The case of the complainant is that work for metro train was in progress during excavation cables belonging to BEST were found. The value of the cables was around Rs.2 Lakhs. The cables was unauthorizedly loaded in the tempo and they were being

transported. It was the duty of the accused to report finding of such cables to the BEST, however, without reporting the said recovery, the goods were being transported. Hence, it is alleged that the accused were involved in commission of theft.

3. The documents on record indicate that the tempo containing the cables was intercepted the persons, who were occupying the vehicle could not give specific answer about transporting the cables. They were arrested. The cables were seized. The electric cables belonging to BEST.

4. The contention of the applicant is that he is working as project manager and drawing salary of more than Rs. one lakh. He has no criminal antecedents. He is not involved in theft of cables. The persons who were found in possession of the cables were arrested. Custodial interrogation of the applicant is not necessary.

5. Learned APP submitted that the applicant was the project manager of Metro Corporation. He was aware that the cables were recovered and the same are belonging to BEST. The finding of cables ought to have report to BEST. There was intention to commit theft and sell the cables.

6. The applicant was granted interim protection by this Court vide order dated 19th August, 2019. He was directed to report

the Investigating Officer. The cables were seized. The value of the cable was Rs. two lakhs. The persons found with cables were arrested. Considering the factual aspects of this matter, the applicant need not subjected to custodial interrogation and the interim order deserves to be confirmed.

6. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 1803 of 2019 is allowed;

(ii) Interim order dated 19th August, 2019 is confirmed.

(iii) In the event of arrest of the applicant in connection with in C.R. No. 235 of 2019 registered with Agripada Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(iv) The applicant shall appear before the investigating officer as and when called for till filing of charge-sheet.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)