

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2772 OF 2021**

1] Mr. Mohd. Farooque Ibrahim Shah
2] Mrs. Zaibunnisha Farooque Shah
3] Mr. Abid Mohd. Farooque ShahApplicants.

V/s
The State of MaharashtraRespondent

Mr. Ganesh Gole i/b Aarif Ali M. Ali for the Applicants.
Mr. M. G. Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 23, 2021

P.C.:-

1] Applicants are seeking pre-arrest bail in C.R. No. 832 of 2021 registered with Virar Police Station for the offence punishable under Sections 379, 427 read with Section 34 of the Indian Penal Code.

2] Learned APP would oppose the prayer for grant of bail, alleging that there are statements of witnesses implicating the Applicants in the crime.

3] Applicant No.1 and complainant are real brothers. Allegations

against the Applicants are that complainant's vehicles which were parked in the garage of the complainant were damaged at the behest of the Applicants.

4] It is demonstrated from the record that there exists a civil dispute in regard to property, between the complainant and the Applicant No.1. Earlier out of cross complaints, registration of offence against the complainant and the Applicants can be noticed. The incident which has resulted into registration of the crime occurred on 4/5/2021, whereas complaint is lodged on 24/9/2021 for which there is no explanation for delayed complaint.

5] In the aforesaid backdrop, false implication of the Applicants cannot be ruled out.

6] In the event of arrest of the Applicants in C.R. No. 832 of 2021 registered with Virar Police Station for the offence punishable under Sections 379, 427 read with Section 34 of the Indian Penal Code, Applicants be released on bail on executing P. R. Bond in the sum of Rs 15,000/- each with one or two sureties in the like amount. Applicants

shall neither try to influence the witnesses nor tamper with the evidence. Applicants shall attend the Investigating Officer of the concerned Police Station from 6th December, 2021 to 9th December, 2021 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer. Till filing of the charge-sheet, Applicants shall stay away from the jurisdiction of the concerned Police Station.

(NITIN W. SAMBRE, J.)