

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2067 OF 2019

Farooq Kasam Khan

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr.Rupesh M. Rajole for the Applicant.

Mr.Yogesh Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 4 SEPTEMBER 2021

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Date: 2021.09.04
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. The applicant apprehending arrest in connection with investigation of Crime No.130 of 2019 of Manpada Police Station under Section 379 of Indian Penal Code is seeking anticipatory bail.

2. The complainant Babaji Baburao Padekar is a Director of Deshmukh Homes Association. In the year 2016 the Association had proposed to lay a pipeline for supply of water. Accordingly the association had purchased 122 pipes and after laying of the pipeline there were 5 such pipes of 20 feet each which were lying in front of the gate of the society. According to the complainant on 26 February 2019 had about 1.30 a.m. one

Yogesh Gujar who is resident of that society informed that some unidentified person is carrying the 5 pipes in a tempo. Accordingly, the office bearers of the Association were informed and all of them came out and noticed that there was a tempo bearing No.4245 which was leaving the site. The complainant also noticed that out of the 5 pipes only one pipe was lying on the site. In short according to the complainant in the incident four pipes were stolen. The complaint was lodged against unidentified persons. The cost of the pipes is stated to be Rs.26,000/-.

3. I have heard the learned counsel for the parties. The learned Additional Public Prosecutor states that the pipes are yet to be recovered. The record discloses that by an order dated 24 September 2019 this Court (Revati Mohite Dere,J.) had granted interim protection to the applicant which is operating.

4. Considering the overall circumstances, and the fact that the complaint was lodged against unidentified persons and the fact that interim protection is operating for about 2 years, the Criminal Application is disposed of in terms of the order dated 24 September 2019, subject to the condition that the applicant shall attend and shall co-operate with the Investigating Officer as and when required.

5. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.