

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

ANTICIPATORY BAIL APPLICATION NO.2382 OF 2019

Shahrukh Anwar Shaikh and Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

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Mr. Shaikh Mohd. Imran, Advocate for the Applicants.

Ms. Anamika Malhotra, APP for the Respondent – State.

Mr. Arun B. Mahadik, PSI Trombay Police Station, Mumbai,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 18, 2021.

P.C. :

The applicant is apprehending arrest in connection with C.R.No.285 of 2019, registered with Trombay Police Station, Mumbai, for the offences punishable under Section 380 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 28th August, 2019.

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2 The case of the complainant is that the complainant had entrusted gold ornaments to the co-accused. The case of the complainant is that on 18th August, 2019, the co-accused Prakash

Singh had demanded money. He was called in the house. The complainant noticed that the door of the cupboard was opened. Cash of Rs.30,000/-, and gold ornaments were missing.

3 Learned APP fairly submitted that the co-accused Shamsuzzoha Nizamuddin Shaikh, has been granted anticipatory bail by this Court vide order dated 9th December, 2019. The role of the applicants is similar. However, applicant no.1 is having two criminal antecedents registered against him in the past vide C.R. No.80 of 2012, for the offence punishable under Section 379 of IPC and C.R.No.498 of 2015, for the offence punishable under Sections 307 and 364 of IPC.

4 While granting relief to the co-accused, this Court has observed that except the statement of co-accused Prakash Singh that he parted with theft property, there is no other evidence on record disclosing the complicity of any of the accused. The role of the applicants cannot be distinguished from the applicant-accused who has been granted relief.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2382 of 2019, is allowed;
- (ii) In the event of arrest of applicants in connection with Trombay Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall report the investigating officer on 1st, 2nd and 3rd March, 2021, between 11:00 a.m. to 01:00 p.m., and thereafter, as and when called for;
- (v) Anticipatory Bail Application No.2382 of 2019, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)