

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 ANTICIPATORY BAIL APPLICATION NO.1573 OF 2021

SOHEL HASAN MURSHAD (FAKIR)

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. G.J. Kore, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18th JANUARY, 2022

ORDER :

1 Present applicant is apprehending his arrest in connection with Crime No.287/2021 dated 30.10.2021 registered with Murum Police Station, Tq. Omerga, Dist. Osmanabad, for the offence punishable under Section 379 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. G.J. Kore for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by one Ashok Arunrao

Pawar in respect of theft of one ox from his cattle shed. The First Information Report was lodged against unknown person. Prosecution appears to have come with a case that from secret information they received the information that the suspected accused is from Katewadi. Therefore, inquiry was made with that person and he disclosed that he had committed such theft in order to sale that ox. They had taken the ox in vehicle to Basavkalyan, Dist. Bidar (Karnataka State) and, therefore, the informant along with two panchas and police went to Basavkalyan on 31.10.2021 and found the said ox. Accordingly, the ox was seized and brought. As regards the role of the present applicant is concerned, it is stated that he is the main accused and other two accused, who have been already arrested, were used by the present applicant.

4 Perusal of the police report, prima facie, does not disclose any connection between the present applicant and the crime. At the most, if his name is disclosed by the co-accused, such statement is of no evidentiary value. Therefore, the interim protection granted earlier by this Court deserves to be confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 23.12.2021, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. Sohail Hasan Murshad (Fakir), in connection with Crime No.287/2021 dated 30.10.2021 registered with Murum Police Station, Tq. Omerga, Dist. Osmanabad, for the offence punishable under Section 379 of the Indian Penal Code, 1860, he be released on P.R. of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall attend the Murum Police Station, Dist. Osmanabad as and when called by the Investigating Officer, till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)