

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 618 OF 2022

Abdul Naeem Mohmmmed Tarique Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Satyavrat Joshi i/b Samay Pawar for the applicant.
Mr.S.H. Yadav, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 8th MARCH, 2022

P.C:-

1 Heard the learned counsel for the applicant and the learned APP for the State.

2 The applicant is apprehending his arrest in C.R.No. 59/2021 registered with BKC police station for the offence punishable u/s. 379 of the IPC.

The offence came to be registered on a complaint filed by one Abdul Khan on 28/3/2021, when he allege that on 27/3/2021, he proceeded to his shop situated in BKC and parked his vehicle, outside the shop.

On return, his vehicle was not found. He searched for the same but since it was not traced, he reported the matter to the

police by giving the details of the vehicle, which was estimated to be amounting to Rs.90,000/-.

3 The C.R. was taken up for investigation and the accused Jigar Nandu came to be arrested on 8th April 2021. During the remand proceedings, a reference is made to a CCTV footage near Hotel BKC Inn, Ambedkar Chowk, Trade Center and it lead to two suspicious persons on the spot, one wearing a cap and other wearing a t-shirt. The CCTV footage reveal that they exchanged communication with each other and the person wearing the cap then proceeded towards the vehicle which was stolen. Within 40 seconds, he is seen leaving with the vehicle which was stolen. The person in t-shirt was identified as Abdul Naeem Mohmmmed Tarique Khan, the present applicant and his presence in the CCTV footage is recorded at 2.51 hours. Immediately, thereafter, at 2.52 hours, the person wearing a cap is seen walking out. Thereafter, both the persons are seen walking behind Hotel BKC Inn. The mobile phone used by the present applicant as well the accused no.1 is seized and the CDR report that the applicant was in contact with the accused no.1 at the time of the incident.

The vehicle came to be seized from accused no.1 and he was arrested. In order to ascertain the role of the present applicant in the entire episode, revolving around the theft of the vehicle of the complainant, his custodial interrogation is very

much necessary, and therefore, the request made by the learned counsel of his release in the event of his arrest cannot be granted and the application is rejected.

SMT. BHARATI DANGRE, J