

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2801 OF 2022

Mohd. Shafique Aash Mohammed .. Applicant
Shah

Versus

The State of Maharashtra .. Respondent

Adv. Afin Pathan for the Applicant.

Mrs. Rutuja Ambekar, A.P.P. for the State/Respondent.

CORAM: BHARATI DANGRE, J.

DATED : 11th OCTOBER, 2022

P.C:-

1. The applicant is accused of Sections 394, read with 34 of IPC in C.R. No. I 284 of 2022. He is arraigned as accused no.1 along with 4 named accused and some other unknown persons.

The case of prosecution is, that on 28/07/2022, an information was transmitted to the Police Naik, who was deputed on night duty, that theft was taking place in Bhuvlaka Steel Company. When he approached the premises of the said company on Khupri-Devgaon Road at around 4:05 a.m, one Bolero pickup Van was stranded there and three persons were

loading Iron material into the Van. On noticing the complainant, the driver of the pickup Van started the engine and they attempted to flee away. They threw stones at the complainant and vanished.

The complaint is therefore lodged against 4 unknown persons, who have been stealing goods from the premises of the Company.

2 The learned APP has placed on record the statement of one witness who is alleged to be the owner of the said Bolero Pickup Van, who has specifically disclosed that the applicant had taken the Vehicle for the purpose of transporting Oxygen cylinder. Apart from this there is a statement of another witness which has been recorded during the course of investigation which clearly indicate the complicity of the applicant. No protection can be granted in the aforesaid circumstances.

The Application is rejected.

(SMT. BHARATI DANGRE, J.)