

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application (ABA) No. 726 of 2022

Sheikh Irfan Sheikh Mukhtar

Versus

State of Maharashtra, through Police Station Officer, Police Station Katol,
District Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.D.Thamke, Advocate for the applicant.

Ms. Shamsi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 5th DECEMBER, 2022.

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No. 514 of 2022 registered with Police Station Katol, Dist. Nagpur for the offence punishable under Section 379 of the Indian Penal Code.

2. Shri Thamke, learned counsel for the applicant submits that the applicant has been falsely implicated and he is noway connected with the alleged offence. It is further submitted that for the offences punishable under Section 379 of the Indian Penal Code, the maximum punishment is three years. He submits

that the applicant is ready to co-operate the Investigating Officer in the investigation and as such the custodial interrogation of the applicant is not necessary.

3. On the other hand, the learned Additional Public Prosecutor strongly opposed the application.

4. I have perused the case diary and the application.

5. It appears that the name of the applicant has been arraigned as accused on a statement of the co-accused. A part of the stolen articles have been recovered from the co-accused who was arrested. The maximum punishment for the offences punishable under Section 379 of the Indian Penal Code is three years.

6. Furthermore, the applicant is entitled for grant of bail on parity as similarly circumstanced co-accused Dilip Shahu was granted anticipatory bail by this Court in Anticipatory Bail Application No. 623 of 2022 vide order dated 8th September, 2022.

7. In the circumstances, if the applicant is directed to attend the Police Station on certain dates and cooperate the Investigating Officer in investigation, the custodial interrogation will not be required. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that in the event of arrest in crime No.514 of 2022 for the offence punishable under Section 379 of Indian Penal Code, applicant shall be released on bail on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned Police Station from **12th December, 2022 till 17th December, 2022** between 10 am and 12 noon and thereafter as and when his presence is required.

The criminal application is disposed of.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.12.05
18:48:36 +0530