

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1141 OF 2023

ZUBER S/O WAHED BAHASHAWAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S. S. Shaikh
APP for Respondents: Mrs. R. P. Gour

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CORAM : R.M. JOSHI, J

DATE : AUGUST 17, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 100 registered with City Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 395 and 427 of the Indian Penal Code.

2. Informant Musa reported to the police about incident occurred on 20.03.2023 at around 01.30 a.m. According to him, he came with his son from hospital at that time it was informed by his wife at around 12.45 a.m. Idrish Bashwan and others entered forcibly in their house and caused damage to the vehicle and articles.

3. Learned Counsel for the Applicant states that the co-accused with similar role has been enlarged on

anticipatory bail by this Court.

4. Learned APP opposed the application with the contention that while granting pre-arrest bail to the co-accused aspect with regard to the CCTV footage and accused being seen therein has not been considered. It is also argued that there is statement recorded of the gold smith in order to show there is theft of gold ornaments from house of the informant.

5. Perusal of the investigation papers shows that transcript is prepared of the CCTV footage which indicates that the present Applicant and co-accused Idrish are seen at some distance from the house. Since the CCTV camera was broken, no recording was done of the incident occurred thereafter. In such circumstance to accept that after breaking of the camera this accused might have gone to the house of the informant, is mere speculation. There is no denial of the fact that there are disputes between the parties. Co-accused were enlarged on anticipatory bail by learned Sessions Court whereas the bail of the present Applicant came to be rejected without any reason or justification. Perusal of the FIR shows that no specific allegations are made

against present Applicant that he is the one who had broke open the cupboard and committed theft. Allegations are identical in nature.

6. In view of above, application stands allowed by confirming order dated 18th July, 2023.

(R.M. JOSHI, J.)

Malani