

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 253 OF 2023**

Tofeek Riyaz Rahi

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Milind Deshmukh i/b Mr. Somnath Bharamgunde for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 30 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 985 of 2022 registered at Wakad Police Station for the offences punishable under Section 406 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The allegations against the present applicant and other co-accused are of criminal breach of trust. The complainant has alleged that his wife, who is co-accused in the present crime had love affair with the present applicant and therefore, he tried to break his marriage. It is alleged that at

the instance of present applicant, his wife left his house and took away gold ornaments of his mother which were in her custody.

5. The allegations of criminal breach of trust are against the co-accused i.e., wife of the complainant. I am, therefore, inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant- Tofeek Riyaz Rahi in Crime No. 985 of 2022 registered at Wakad Police Station for the offences punishable under Section 406 r/w 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)