

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1050 OF 2023

Master Junaid Azharuddin Ansari
Age : 19 Years, Occupation : Student,
Residing at : A/2, Room No.411,
Sector – 21, Turbhe, Navi Mumbai
400 705.

...Applicant

vs.

The State of Maharashtra
[Through Vashi Police Station]

...Respondent

Mr.Saurabh Ghag a/w Ms.Divya Bhatia a/w Mr.Ganesh Gilbile and
Mr.Siddharth Jadhav – Advocates for Applicant.
Mr.H.J.Dedhia-APP for the Respondent-State.
Mr.Kharatmal – API – Vashi Police Station – Navi Mumbai.

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The Applicant was found while pulling a wire of the wash basin installed in the public bathroom of the college run by ICL Education Society at Vashi, Navi Mumbai. It happened on 20th

February, 2023. One Omprakash Narayan Bailkar who is a laboratory assistant has witnessed this incident. Apart from the Applicant, there were other students. The Applicant studies in the said college.

3. The Applicant was taken to the cabin of the director of the college. He gave evasive answers. On the basis of this incident, the management of the college formed an opinion that the earlier incident of stealing the taps of the wash basin must have been committed by this Applicant and his associate. The cost of the stolen materials is Rs.50,000/-.

4. The FIR is lodged on 27th February, 2023 after 7 days. His anticipatory bail application was rejected by the Court of Additional Sessions Judge – Thane.

5. There are two incidents. One is earlier incident of stealing of water taps and second is latter incident of pulling of wire of wash basin. It is true that the Applicant was not seen while removing the taps. On suspicion, he has been named in the FIR. Taps were removed earlier and at that time, FIR was not lodged. It is contended that the Applicant is not concerned with the earlier incident of committing theft of the taps but on mere suspicion, this FIR is lodged against the Applicant.

6. Considering the above circumstances, the anticipatory bail can be granted subject to conditions. Hence, following order :-

O R D E R

- (i) Application is allowed.
 - (ii) In case of arrest in connection with C.R. No. 74 of 2023 registered at Vashi Police Station – Navi Mumbai for the offences punishable under Sections 380, 427 read with 34 of the IPC, the Applicant be released on furnishing personal bond and surety bond of Rs.25,000/-.
 - (ii) Applicant to give attendance to Vashi Police Station – Navi Mumbai on Tuesday from 10.00 to 12.00 noon until for three months.
7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.
8. Application is disposed of in the aforesaid terms.
9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]