

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

ANTICIPATORY BAIL APPLICATION NO. 1116 OF 2023

Yasin Julfikar Ansari

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Aniket Ramsubhe for the Applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Swapnil Dalvi, PSI, Vimantal Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.18/2023 registered with Airport Police Station, Mumbai for offence punishable under section 381 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Anshul Milind Mohod who is the Assistant Manager in Agile Company. The facts narrated in the FIR prima facie reveals that on 31/01/2023, Satish Kashid, the Manager of Indigo Cargo has reported to the first informant that on 25/01/2023, some mobile phones were stolen from Santacruz Air Cargo Terminal from Flight No.6E-461 (Bombay –

Hyderabad) Airway Bill No.31241504982. The FIR came to be lodged on 28/02/2023 against Naved Shah and three other persons who were employed as loaders through Agile Company.

3. The only allegation against the Applicant is that he was seen in CCTV footage. Since the Applicant was working as a Cargo loader, his presence at the Airport is not unnatural and his presence per se cannot be construed as an incriminating circumstance. There is no other prima facie material to show his complicity in the said crime. Considering the above facts and circumstances, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.18/2023 registered with Airport Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer on 14/06/2023 and 15/06/2023 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

4. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)