

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

ANTICIPATORY BAIL APPLICATION NO. 1942 OF 2023

1. Narendra Yadav

2. Suraj Yadav

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Aabad Ponda Sr. Adv. a/w. Isla Shaikh i/b. Sudhanva Bedekar for the Applicant.

Mr. S.V.Gavand, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1943 OF 2023

1. Mahadev @ Bhalla Sable

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sanjeev Kadam Sr. Adv. a/w. Shantanu Phanse, Adv. Varsha Thorat, Adv. Isla Shaikh i/b. Sudhanva Bedekar for the Applicant.

Mr. S.V.Gavand, APP for the State.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 13th JULY, 2023.

P.C.

1. The Applicants herein have filed these applications under Section 438 of Cr.P.C. apprehending their arrest in C.R.No. 213 of 2023 registered with Worli Police Station for offences under Section 379, 406, 411, 414, 447 r/w. 120-B of the Indian Penal Code.

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2. Heard learned Sr. Counsel Shri Ponda, and learned Sr. Counsel Shri Kadam, representing the respective Applicants, and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The case of the prosecution is that the co-accused Babloo Sonkar, had befriended ED Officials at the instance of co-accused Amar Mulchandani. With the assistance of some of the ED Officials, he took photographs of some confidential information and transferred/forwarded the said photographs to several persons, including the Applicants herein. Hence the FIR.

4. Having gone through the FIR, in my considered view, the FIR does not prima facie disclose offence of theft as defined under Section 378 of IPC. Consequently, it cannot be said that the Applicants have received any stolen property within the meaning of Section 410 of the IPC.

5. Learned Sr. Counsel Shri Ponda, and Sr. Counsel Shri Kadam, under instructions, make a statement that the Applicants will co-operate with the investigation. They will surrender their mobile phones, and

will report to the Investigating Officer as and when required.

6. The accusations leveled against the Applicants do not justify custodial interrogation. Under the circumstances, both the applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.C.R.No. 213 of 2023 registered with Worli Police Station, the Applicants be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for two days on 17th and 18th July, 2023, between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;
- (iii) The Applicants shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time;
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Applications stands disposed of.**

(ANUJA PRABHUDESSAI, J.)