



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

ANTICIPATORY BAIL APPLICATION NO. 2061 OF 2023

Abdul Hafeez Shorabali Malik

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Imran Shaikh a/w. Ruby Shaikh for the Applicant.

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

PSI Shingate from Bhandup Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 21st JULY, 2023.

P.C.

1. The applicant apprehends his arrest in C.R.No. 580 of 2020 registered with Bhandup Police Station, Mumbai, for offences under Section 407, 411 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, 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 aforesaid crime was registered pursuant to the FIR lodged by Dharamraj Shivshankar Singh. The facts narrated in the FIR prima facie indicate that the iron bars worth Rs.3,14,000/- which were loaded by the complainant in a trailer, to be delivered at Bhandup, were stolen. The

co-accused involved in committing the theft were arrested. One of the co-accused stated that the theft was committed at the instance of the applicant and the iron bars are sold to the applicant. Apart from the statement of the co-accused, there is no prima facie material to indicate that theft was committed at the instance of the applicant. The records show that the stolen iron bars have also been recovered from several other places. Even if the applicant has purchased the iron bars, the same would at the most suggest that the applicant is a receiver of the stolen property. It is stated that the investigation has been completed and the chargesheet is already filed. Hence, no case is made out for custodial interrogation.

4. Considering the aforesaid facts and circumstances, in my considered view, 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:-

- (i) In the event of arrest of the Applicant in Crime No.C.R.No. 580 of 2020 registered with Bhandup Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 24th and 25th July, 2023, between 11.00 a.m. to 2.00 p.m.

(iii) The Applicant 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 Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)