

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

**ANTICIPATORY BAIL APPLICATION NO. NO. 2116 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. NO. 1646 OF 2023**

Ahmed Khawaja Sayed	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr.Ashley Cusher, Advocate for the Applicant.

Mrs. Ashwini A. Takalkar, APP for the Respondent – State.

Mr. Pratik P. Deshmukh i/by Mr. Aditi Rajput Advocate for Applicant in ABA/1646/2023.

PSI Dilip Sawant, Bandra Police Station, Mumbai present.

CORAM	:	N. J. JAMADAR, J.
DATE	:	22nd AUGUST, 2023.

PC.:

1. This is an application for pre-arrest bail in connection with C.R. No. 715 of 2023 registered with Bandra Police Station, Mumbai for the offences punishable under Sections 380, 454, 457 of the Indian Penal Code, 1860.

2. The gravamen of indictment against the applicant is that co-accused Gulzar M. Shaikh had committed theft. Out of the stolen property, three gold coins were handed over to the applicant.

3. When the application was listed before this Court on 8th August 2023, the Court passed an order granting interim

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protection to the applicant as the only material against the applicant was the statement of the co-accused. The Court had also directed the applicant to co-operate with the investigation and appear before the Investigating Officer.

4. Learned APP informs the Court that the applicant did appear before the Investigating Officer.

5. Prima facie, there is no material to establish the nexus between the applicant and alleged offence. Except the statement of the co-accused, there is no incriminating evidence against the applicant. It does not appear that the statement is recorded as a part of discovery under Section 27 of the Indian Evidence Act. In the circumstances, I am inclined to make the interim order absolute.

6. The application, thus, stands allowed.

7. Order of interim bail dated 8th August 2023 is made absolute on the terms and conditions recorded therein.

8. In addition, the applicant shall appear before the Investigating Officer as and when directed.

9. The applicant shall attend the jurisdictional Court in the event the prosecution proceeds qua him.

10. Anticipatory Bail Application No. 2116 of 2023 stands disposed off.

11. Anticipatory Bail Application No. 1646 of 2023 be de-tagged and listed separately after two weeks.

(N. J. JAMADAR, J.)