

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

BAIL APPLICATION NO. 2916 OF 2022

Atiq Bashir Shaikh	..Applicant
VS.	
The State of Maharashtra	..Respondent

Mr. Ankit Upadhyay, for the Applicant.

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

PSI- Ramesh Waghchoure, MHB colony Police Station
present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. 349 of 2019 dated 23/10/2019 registered with MHB Police Station for the offence punishable under sections 379, 380, 34 of the Indian Penal Code, 1860.
- 3.** The incident is dated 22/10/20219. It is alleged that the complainant and the applicant were good friends. The applicant along with 3 of his colleagues went for a party at

the second home of the complainant. The complainant had kept 2 mobile phones and cash of Rs. 3,95,000/- in the cupboard. After the party was over, the applicant and his friends left the complainant's house. The next day, the complainant noticed that cash and mobile phones which were kept in the cupboard was not there. The FIR therefore came to be registered. The applicant was arrested on 28/10/2019. During the period from 03/04/2020 to 26/07/2022, the applicant was on Covid bail. There is no allegation that during the Covid bail, the applicant has misused his liberty in any manner. The applicant himself surrendered.

4. The mobile phones have been recovered. The applicant is 20 years of age. He is a student and at the relevant time was in 11th standard. Learned counsel for the applicant submits that the applicant wishes to complete his education.

5. The trial has commenced and one witness has already been examined. There are no criminal antecedents reported against the applicant. The applicant is a young boy of 20

years. Considering that the investigation is complete and charge-sheet is filed and that during the period of Covid bail, the applicant has not misused his liberty, the applicant can be released on bail. Hence, the following order.

ORDER

(a) The applicant – Atiq Bashir Shaikh in connection with C.R. 349 of 2019 dated 23/10/2019 registered with MHB Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 8 weeks in lieu of surety.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall attend the trial regularly;

6. The application is disposed of.

(M. S. KARNIK, J.)