

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

ANTICIPATORY BAIL APPLICATION NO. 3534 OF 2022

Badshah Jahangir Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Shaikh Afreen Bano for the Applicant.

Mr. R.M.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 8th MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.680 of 2021 registered at Sewree Police Station for offences under Section 381 r/w. 34 of Indian Penal Code.

2. Heard Ms. Bano, learned Counsel for the applicant and Mr. Pethe, 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 in brief is that the Applicant and the other co-accused who were working in Larsen & Tubro Company had committed theft of iron plates. The FIR does not disclose name of the Applicant. Learned APP concedes that the stolen property is not recovered from the possession of the Applicant. The Applicant is impleaded solely on the basis of the statement of the co-accused. He

was granted Interim Bail by order dated 22nd December, 2022. It is stated that he has co-operated with the investigation . Chargeheet has already been filed against the Applicant. Considering the above facts and circumstances, this is not a case which justifies custodial interrogation. 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.680 of 2021 registered at Sewree Police Station, 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, to the satisfaction of the Investigation Officer.
- (ii) Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iii) Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (iv) Applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)