

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.446 OF 2023
(Sheikh Sadik Sheikh Katalu Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. Shaikh, Advocate for the applicant.
Shri A.M. Kadukar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 08, 2023.

Heard.

2. The present application is preferred by the applicant for seeking anticipatory bail in the event of his arrest in respect of Crime No.537/2022 registered at Police Station, Pusad City, District Yavatmal for the offence punishable under Section 379 of the Indian Penal Code, 1860.

3. As per the allegations in the FIR, some unknown persons have committed theft of his two buffaloes. The applicant is apprehending arrest at the hands of the police as during investigation his name was disclosed.

4. As per the contention of the present applicant, merely on suspicion he is implicated in the alleged offence. In fact, he is not connected with the alleged offence. Considering the same he is already protected by granting ad-interim protection. His custody is no required and hence he be released on anticipatory bail.

5. Learned Additional Public Prosecutor for the State strongly opposed the application on the ground that custodial interrogation of the present applicant is required as during investigation it reveals that the applicant not only stolen the cattle of the informant but he has sold it out. Therefore, custodial interrogation of the present applicant is required.

6. Having heard both the sides and on perusal of the recitals of the FIR and investigation papers. Admittedly, there is no direct material to connect the present applicant with the alleged offence. As far as his physical custody is concerned, the investigation is practically completed by the Investigating Officer. Merely on suspicion he appears to be implicated in the alleged offence. In view of that the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass to following order:

(i) In the event of arrest, the applicant – Sheikh Sadik Sheikh Katalu in Crime No.537/2022 registered at Police Station, Pusad City, District Yavatmal for the offence punishable under Section 379 of the Indian Penal Code, 1860, be released on anticipatory bail on furnishing PR. Bond in the sum of Rs.15,000/- with one surety in the like amount.

(ii) The applicant shall attend Police Station, Pusad City, District Yavatmal as and

when called by the Investigating Officer and shall cooperate in the investigation.

(iii) The applicant shall furnish his Cell-phone number and address along with address proof.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*