



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

958 ANTICIPATORY BAIL APPLICATION NO. 952 OF 2024

Nahid Fajloddin Shaikh

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Shaikh Mujtaba Gulam Mustafa
APP for Respondent/State: Ms.V.S. Chaudhari

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.341 of 2024 registered with MIDC Police Station, Dist. Latur, for the offence punishable under sections 454, 457, 380 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that the first informant Safura Munira Shaikh lodged a report on 16th May, 2024 alleging that on 19th March, 2024, she had gone to Hyderabad by applying lock of her landlord to her rented room. She had kept one key of the said lock with landlord. On 21st March, 2024, she returned and saw that articles in her house were scattered, so she checked her cupboard and noticed that gold and silver ornaments worth Rs.1,11,500/- have been stolen. The landlord told her that he had seen imitation jewelry like jewelry of the informant in possession of his another tenant i.e, the applicant, a

neighbourer of the informant. It is alleged that the applicant had knowledge of the place of keeping the gold and silver ornaments in the house of informant. So, informant lodged report against the applicant.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. There is delay of 55 days for lodging the F.I.R. No key of the house of the informant was kept with the applicant, it was kept with the landlord. When the informant came from Hyderabad lock of her house was intact. Due to enmity, the applicant has been falsely implicated in this case, hence requested to allow the application.

4. It is the contention of the learned APP that the applicant and informant are neighbourer. The applicant was aware about the place where the informant would place her gold and silver ornaments. The landlord has stated that he had seen the necklace like informant with the applicant. It shows involvement of the applicant in the crime. There is no other neighbourer in the house of the said landlord except the applicant. To find out golden and silver ornaments stolen from the house of informant, the custodial interrogation of the applicant is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. There is 55 days delay in lodging the F.I.R. No explanation of delay is mentioned in the F.I.R. The key of the house of the informant

was not kept with the applicant. It was kept with the landlord. Statement of the landlord is recorded after delay of 56 days from the date of incident. Considering these aspects, custodial interrogation of the applicant is not required, hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.341 of 2024 registered with MIDC Police Station, Dist. Latur, for the offence punishable under sections 454, 457, 380 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]