

17.02.2024. In the said application also, no overt act was alleged against the applicants. Initially, other than the arrested accused person Amir Shabbir Shaikh, name of one Mahesh Panchal was shown as accused. He submits that other than the statement of the co-accused person, who can be termed as a main accused, having number of criminal antecedents against him, there is no material to link the applicants with the incident in question.

5. On the other hand, the learned APP submits that serious offences have been registered in the present case as valuable jewellery, gold items, etc. were stolen from a dwelling house. It is submitted that the statement dated 16.02.2024 given by the main accused Amir Shabbir Shaikh is categorical about the involvement of the applicants and at this stage, the said statement can certainly be looked into by this Court.

6. The material on record shows that the FIR was registered against unknown persons. It was registered as far back as on 11.11.2021. In the first remand application, there was no reference to the applicants and they were arraigned as accused persons only when the second remand application dated 17.02.2024 was filed. The applicants stood arraigned as accused on the basis of statement of main accused person Amir Shabbir Shaikh dated 16.02.2024.

7. A perusal of the said statement shows that according to the said main accused person, since he had indulged in such acts of theft at a number of places and the stolen items were stated to have been given to the co-accused Mahesh Panchal, subsequently, the main accused person remembered that stolen items in the present case were given to the applicants and not to the co-accused Mahesh Panchal. The material on record shows that the main accused person i.e. Amir Shabbir Shaikh is facing as many as 15 criminal cases for similar offences. There is nothing to show that the applicants have any criminal antecedents.

8. Therefore, other than the statement of the main accused person Amir Shabbir Shaikh, at present, there does not appear to be any material to link the applicants with the incident in question. The applicants moved the Sessions Court as soon as they were arraigned as accused persons on 17.02.2024. Therefore, it cannot be said that the application for anticipatory bail filed before the Sessions Court or this Court is belated in any manner.

9. This Court is of the opinion that as the applicants are ready to co-operate with the investigation, the present application can be allowed.

10. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0549 of 2021 dated 11.11.2021 registered with Chikhali Police Station, District - Pimpri Chinchwad, they shall be released on bail on furnishing PR Bond of Rs.50,000/- [Rupees Fifty Thousand only] each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 28.08.2024 and thereafter as and when required by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not contact the informant in any manner during the pendency of the investigation;
- D. The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would

make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab