

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2934 OF 2024

Moin Ibrahim Sayyad ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Savvy Kolhekar for Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 12, 2024

P.C. :

1. Heard Mr. Vagal, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0512 of 2023 dated 17.12.2023 registered at Chandwad Police Station, District - Nashik Rural, for offences under Sections 394 and 341 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant, in the present case, is a driver, who himself was later arraigned as an accused. It is stated that on the date and time of the incident, unknown persons came and threw chilly powder on the victim travelling in the car driven by the said informant. The victim was carrying cash amount of Rs.2.50 lakhs, which was snatched away from him during the incident.

4. Later on it came to light that the informant i.e. the driver was himself involved in the conspiracy, as he had shared the information pertaining to the location of the victim, which facilitated the accused persons to carry out the aforesaid act.

5. The learned counsel for the applicant submits that there is hardly

any material to link the applicant with the incident in question. It is submitted that almost the entire cash amount has been recovered from the co-accused person and no useful purpose would be served by insisting upon physical custody of the applicant.

6. On the other hand, the learned APP submits that the supplementary statement in the present case along with statements of co-accused persons clearly show that the applicant was one of the persons involved in the aforesaid act.

7. Having perused the papers in the light of the rival submissions, this Court is inclined to allow the application for the following reasons:-

- a. The FIR has been registered against unknown persons;
- b. Even as per the description of the incident, chilly powder was thrown on the victim, who was carrying the cash amount. As a consequence, he could not see any of the persons involved in the incident;
- c. The name of the applicant cropped up only on the basis of the statement given by co-accused driver, who was the original informant in the present case. Perusal of the said statement shows that, even according to him, the original conspiracy was between him and co-accused Inzamam;
- d. This Court finds that other than the statement of the co-accused i.e. the aforesaid driver and another co-accused person in the memorandum recorded under Section 27 of the Indian Evidence Act, 1872, there is hardly any material to link the applicant with the incident in question;
- e. It is an admitted position that the cash amount of Rs.2,48,700/- is already recovered from the co-accused Ujer Aasif Shaikh and this is also a relevant circumstance while

considering as to whether physical custody of the applicant would be required;

- f. The applicant is ready to co-operate with the investigation and there is nothing to show that the applicant has any criminal antecedents.

8. For the aforesaid reasons, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0512 of 2023 dated 17.12.2023 registered at Chandwad Police Station, District - Nashik Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 14.11.2024 and 15.11.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)