



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO.46 OF 2024**

Shaikh Juned Shaikh Mastan

Vs.

State of Maharashtra, Through its Police Officer Nandura,  
District Buldhana

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. S. V. Sirpurkar, Advocate for applicant.

Mr. M. J. Khan, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 13 /03/2024**

1. Apprehending the arrest at the hands of police, the present application is filed by the applicant for grant of pre-arrest bail, in the event of his arrest in connection with Crime No.357/2023 registered with Police Station Nandura, Taluka Nandura, District Buldhana for the offences punishable under Sections 394 and 395 read with Section 34 of the Indian Penal Code.

2. The allegation against the present applicant is on the basis of report lodged by the informant that on 12/06/2023 when he was proceeding on the motorcycle along with the cash amount of Rs.2,14,800/-, at the relevant time three persons came on the motorcycle by covering their faces and gave dash to his two wheeler and tried

to snatch the bag and fled away from the spot of incident.

3. Learned Counsel for the applicant submitted that except the statement of the co-accused there is no material to connect the present applicant with the alleged offence. As per the statement of the informant there were three persons who were already arrested during the investigation. The role of the present applicant as per the prosecution that there was CDR report showing the communication between the present applicant and co-accused. Mere CDR report is not sufficient to connect the present applicant with the alleged offence.

4. Learned APP strongly opposed the application on the ground that three persons were arrested and partial amount is recovered from them. From the CDR report and from the statement of the co-accused, the connection of the present applicant is revealed. Considering the nature of the offence, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State. From the investigation papers, it reveals that except the statement of the co-accused and the CDR report no other material to show the involvement of the present applicant. The partial amount is already

recovered. After releasing the applicant on ad-interim anticipatory bail, he has not misused the liberty or his involvement during the said period in any other crime doesn't revealed. There is no complaint also that the applicant has not cooperated with the investigating agency.

6. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

#### **ORDER**

(i) The application is allowed.

(ii) In the event of arrest, the applicant – **Shaikh Juned Shaikh Mastan** be released on anticipatory bail, in connection with Crime No.357/2023 registered with Police Station Nandura, Taluka Nandura, District Buldhana for the offences punishable under Sections 394 and 395 read with Section 34 of the Indian Penal Code, on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.

(iv) The applicant shall furnish his mobile number and address with address proof before the Investigating Officer.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**