

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2403 OF 2016

Mohamad Nabi Ismail Momin .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. S.P. Urgunde, Advocate for the applicant

Smt. R.P. Gour, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.

DATED : 09/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in Crime no. 141 of 2016 registered at Shivaji Nagar Police Station, Dist. Latur for the offences punishable under section 406, 420 of the Indian Penal Code.

3. It is the case of the prosecution that one Salim Gulabsab Shaikh, who was in business of centering plates was approached by the present

applicant alongwith one Sayyed Malang – accused no.1 and they hired 300 centering plates. Instead of paying the hire charges, the complainant alleged that the present applicant, in connivance with accused no.1, sold those centering plates in market and has defrauded him.

4. While trying to make out a case for grant of pre-arrest bail, learned counsel for the applicant submits that main accused Sayyed Malang is already released on bail and the allegation is against the main accused. It is then claimed that applicant is working under the main accused as a labour and is no way connected with the crime in question.

5. Upon perusal of the investigation papers, it appears that the applicant visited the place of complainant alongwith main accused – Sayyed Malang for hiring the centering plates. It is then required to be noted that though the applicant has

come out with a case that he is working under the main accused – Sayyed Malang, as a labour, there is no statement to that effect in the application.

6. Apart from above, it is required to be noted that there is sufficient material on record to prima facie infer that there is involvement of the applicant in the commission of crime in question, as out of 300 centering plates, 50 plates are recovered from the main accused and the remaining centering plates are yet to be recovered.

7. In this background, having regard to the fact that there is prima facie involvement of the applicant in commission of crime in question, the application fails, stands rejected.

[N.W. SAMBRE]
JUDGE

arp/-