

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

CRIMINAL APPLICATION (ABA) NO.70/2016

Atash s/o Iqbal Khawaja

..Versus..

State of Maharashtra, through Police Station Officer, Kalamb, Distt. Yawatmal

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 11.4.2016

Heard Shri S.V. Sirpurkar, advocate for the applicant and
Shri S.B. Bissa, A.P.P. for the non-applicant.

The applicant apprehends arrest in crime registered against
him for the offence punishable under Section 139(1)(k) of the
Electricity Act on the accusations that huge quantity of copper wire,
copper tower cable, steel poles, aluminium wire and certain parts
of transformer are found stored at the godown of the applicant who
is doing the business of scrap material.

Shri Sirpurkar, learned advocate has submitted that the
applicant has co-operated with the investigation and the
investigation is complete and charge-sheet is filed on 16th February,
2016.

Although the learned A.P.P. has opposed the application on the ground that the articles/material found in the godown of the applicant might be stolen articles/material, the non-applicant has not been able to point out that any crime is registered in that regards.

Considering the facts on the record and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the interim order granted on 4th February, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.3109/2015 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.10,000/- (Rs. Ten Thousand Only) and one solvent surety in the like amount.
- (ii) The application is **allowed** in the above terms.

JUDGE