

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

CRIMINAL APPLICATION (ABA) NO. 317 OF 2017

(LAVIT S/O BADAL KHANJAR...VS...STATE OF MAH. THR. P.S.O. PS RAMNAGAR, TAH-
CHANDRAPUR. DISTT.CHANDRAPUR)

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

Court's or Judge's orders

Shri Jasprit Singh Chilotra, Advocate for Applicant.
Shri V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 17th JULY, 2017.

Heard.

The applicant, apprehending arrest in connection with crime No.715 of 2017 registered against him and co-accused Sheikh Shadab Sheikh Rashid for offence punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act and Section 188 of the Motor Vehicle Act, has sought pre-arrest bail.

According to the Investigating Agency, on getting information the liquor was being transported in the vehicle, the policemen tried to stop the vehicle, however, the occupants of the vehicle ran away leaving the vehicle and liquor worth Rs.7,00,000/- is seized from the vehicle.

The application is opposed on the ground that investigation is in progress and custody of the applicant is required to unearth truth. It is pointed out that about eight crimes for various offences including offence under Indian Penal Code and similar offence under Maharashtra Prohibition Act are registered against the applicant.

The learned advocate for the applicant has

submitted that this Court granted interim protection to the applicant by order passed on 9th May, 2017 imposing condition of attendance at the police station and the applicant has complied with the order. It is argued that the Investigating Agency has not complained that the applicant has not co-operated with it.

After examining the matter, I find that the applicant has not stated in the application that eight crimes are registered against him and perhaps the interim protection is granted by this Court by the order passed on 9th May, 2017 because of the suppression of relevant facts by the applicant. Though the learned advocate for the applicant has pointed out that the copy of reply filed by Investigating Agency before the Sessions Court was placed on record alongwith the application, in my view, the applicant should have stated in the application that eight crimes are registered against him.

Considering the facts of the case and accepting the submission made on behalf of the Investigating Agency that custody of the applicant is required for further investigation, the application is dismissed.

The applicant has enjoyed interim protection as per the order passed on 9th May, 2017. The applicant shall surrender within 3 days failing which note of his conduct be taken at various stages of the proceedings.

JUDGE