

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

CRIMINAL APPLICATION (ABA) NO.533/2017

Nitesh S/o Manoharrao Nawarkhede

..Vs..

State of Maharashtra, through P.S.O., P.S. Nandanvan, Nagpur

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

Court's or Judge's orders

Shri D.V. Chauhan, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 31.7.2017.

Heard.

Crime No.344/2017 came to be registered against unknown persons, subsequently, 6 persons are shown as accused. The investigating agency alleges that on getting information, raid was conducted on 5th June, 2017 at 7 a.m. on the premises (room) occupied by the accused and three fire arms including country made pistol was seized. Subsequently, Crime No.353/2017 is registered against the accused (including the applicant) for the offence punishable under Sections 3/25 of the Arms Act and Section 135 of the Maharashtra Police Act on the accusations that the accused were making preparations for dacoity.

The application is opposed on the ground that the vehicle (Scorpio) is seized from the applicant and the material available with the investigating agency shows that the vehicle is used by the accused.

The applicant, aged about 25 years, claims to be a student and facts on record show that he is employed as Driver on the vehicle. The applicant has stated that he is not involved in any other crime / offence, which fact is not controverted by the non-applicant. The non-applicant has not been able to point out that custody of applicant is required for investigation. This Court has granted interim protection to the applicant by order dated 25th July, 2017. The investigating agency has not complained that after protection is granted to the applicant, he has not co-operated with it.

In the facts of the case, following order is passed:

In the event of arrest in connection with Crime No.344/2017 and Crime No.353/2017 registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and furnishing one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE