

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

CRI. APPLICATION (ABA) NO. 840 OF 2016

(FIROZ KHAN USMAN KHAN....VS.. STATE OF MAH. THR. PSO PS NER, DISTT. YAVATMAL)

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

Court's or Judge's orders

Shri M.P.Khajanchi, Advocate for applicant.
Shri S.P.Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 05, 2017.

Heard.

The applicant seeks pre-arrest bail in the crime registered against him pursuant to the order passed in proceedings under Section 156(3) of the Code of Criminal Procedure. The crime is registered against the applicant for the offences punishable under Sections 344, 345, 406, 465, 468, 418, 420 and 423 read with Section 34 of the Indian Penal Code.

This Court has granted interim protection to the applicant by order passed on 23rd December, 2016.

In reply filed by the non-applicant, in paragraph 5, it is stated that Mehboobkhan from whom the applicant has purchased the property in question is not traceable. In paragraph 7 of the reply it is submitted that Mehboob Khan has executed registered Power of Attorney in favour of Usman Khan (father of the applicant) on 15th December, 2015 and on the basis of this Power of Attorney, Usman Khan executed sale -deed of the property in question in favour of the applicant.

Though the application is opposed relying on the above facts, the learned Additional Public Prosecutor has not been able to point out the relevance of the above facts and the necessity of custody of the applicant. Undisputedly, Regular Civil Suit No.25 of 2016 is filed by the applicant in respect of the suit property and it is pending before the Civil Court.

However, I find that the applicant has not stated in the application that he is not involved in any other crime or offence. According to me, this is relevant consideration for deciding the application under Section 438 of the Code of Criminal Procedure.

As the relevant submission is lacking, the application is **dismissed** with liberty to the applicant to file fresh application, if so advised.

JUDGE

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