

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.202 OF 2018

(Shakil Khan s/o Sayeed Khan Pathan ..vs.. State of Maharashtra, through PSO, PS Pulgaon)

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

Court's or Judge's orders

Shri A.M. Jaltare, Counsel for the applicant,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 13-06-2018

The applicant is apprehending arrest in Crime 216/2018 registered at Pulgaon Police Station for offences punishable under Sections 420, 468, 471, 379, 188 read with Section 34 of the Indian Penal Code and Sections 130, 177 and 181 of the Motor Vehicles Act.

2. The submission of the learned Counsel Shri A.M. Jaltare is that the applicant, who is allotted a sand ghat in auction had no reason or incentive to store sand illegally, which is the prosecution case. Since wrong dates were mentioned on the receipt books, the applicant returned the receipt books to the District Mining Officer, Wardha except one receipt book which could not be located. The submission is that the said receipt book was in the possession of an employee and it is quite possible that the receipt book is misused.

3. The further submission is that custodial

interrogation is not necessary since the seizure of the documents is already made. This is not controverted by the learned Additional Public Prosecutor. It is not the case of the prosecution that the applicant did not abide by the conditions imposed while granting interim bail. There is no similar offence registered and the observation to the said effect by the learned Sessions Judge who rejected the anticipatory bail is factually incorrect, is the submission. This statement is also not controverted since according to the learned Additional Public Prosecutor the only offence registered against the applicant is under the provisions of the Prevention of Corruption Act.

4. In the light of the accusations and the fact that the applicant has cooperated with the investigating agency and the custodial interrogation is not required, I am inclined to confirm the interim order.

5. The interim order dated 28-3-2018 is confirmed.

6. The applicant shall comply the condition of the interim order and shall attend the Pulgaon Police Station, District Wardha every Sunday between 5-00 p.m. and 6-00 p.m. till filing of the charge-sheet.

7. The application is disposed of accordingly.

JUDGE