

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

CRIMINAL APPLICATION (ABA) NO.375 OF 2018

(Mohammad Ali s/o Abdul Gafoor ..vs.. State of Maharashtra, through PSO, PS Sadar, Nagpur)

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

Court's or Judge's orders

Shri S. Raisuddin, Counsel for the applicant,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 03-07-2018

The applicant is apprehending arrest in Crime 105/2018 registered at Police Station Sadar, Nagpur for offence punishable under Sections 379, 411, 413 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant states that pursuant to the interim order the applicant has attended Police Station Sadar and has cooperated with the Investigating Officer. The learned Counsel further states that when this offence was registered, the applicant was not implicated in any other offence. It is only during the investigation of this offence that the applicant is implicated in other offences on the basis of suspicion. In rebuttal, the learned Additional Public Prosecutor Shri T.A. Mirza states that the name of the applicant has surfaced during the interrogation of the co-accused and therefore, he is implicated in the other offences.

3. It does not appear that the custodial interrogation of the applicant is necessary. Concededly, the business premises of the applicant have been searched and no incriminating material is seized. The applicant is engaged in the business of sale of cable. At least at this stage, there does not appear to be any material, other than the word of the co-accused that the applicant purchased stolen property knowing that the property was stolen.

4. The application is allowed.

5. The interim order dated 25-5-2018 is confirmed subject to the condition that the applicant shall attend Police Station Sadar, Nagpur as and when called upon to do so by the Investigating Officer.

JUDGE

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