

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

CRIMINAL APPLICATION (ABA) NO.848/2017

Faizulla Akbar Khan ..vs.. State of Maharashtra through PSO P.S.
Ramnagar, Chandrapur.

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 11, 2018

1. Heard Mr. M. N. Ali, Advocate for applicant and
Mr. V. A. Thakare, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in
connection with Crime No.455/2016 registered with Police
Station, Ramnagar, Chandrapur for an offence punishable
under Sections 457, 380 read with Section 34 of the Indian
Penal Code.

3. In the FIR, the name of the applicant is not
mentioned. The entire case of the prosecution is based on
the statement of the co-accused. The statement of the co-
accused is inadmissible in law. At the most, it can give a
lead to the investigating officer. However, after getting the
said lead, it is the duty of the investigating officer to collect
independent evidence against the person whose name is
taken by the co-accused.

4. In the present case, in spite of getting lead from the co-accused, there is no material available in the investigation papers to show that there is independent admissible evidence against the present applicant.

5. Further, on the last date, this Court has granted time to the non applicant-State to point out as to whether the present applicant is having any criminal antecedents. Today, an additional affidavit is filed and it is taken on record. It shows that there are no criminal antecedents against the present applicant. As per the additional affidavit, in view of the directions given by this Court on 24.11.2017, the applicant has attended the police station. The learned A.P.P. has submitted that the other co-accused persons are already arrested and the recoveries are also made from them and those co-accused persons are already released on bail.

6. In that view of the matter, I do not find any reason to deny the relief of anticipatory bail to the applicant.

ORDER

(i) Criminal Application No.848/2017 is allowed.

(ii) In the event of arrest in connection with Crime No.455/2016 registered with Police Station, Ramnagar, Chandrapur for an offence punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code, the applicant-Faizulla Akbar Khan, be released on bail on he

executing P.R. Bond in the sum of Rs.25000/- with two solvent sureties in the like amount.

(iii) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE

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