

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2016 OF 2019

Nizamuddin @ Nizam Nawab Khan] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Virendra T. Dubey, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. Sachin Vhaskoti, PN 885 attached to Khalapur Police Station,
District Raigad present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 18th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.165/2019 registered with Khalapur Police Station, District Raigad u/sec. 379, 420, 467, 468, 471 r/w 34 of I.P.C.

2. The FIR is lodged by Police Constable Dattatray Kisave attached to Khalapur Police Station. Their patrolling squad intercepted a tempo on the basis of secret information. The tempo was intercepted at 12.30 a.m. on 28/06/2019. There were two persons in the tempo. One was the driver. Their names were Gyanchandra Saroj and Danish

Choudhari. The truck was carrying long iron rods weighing more than 5000 kg., iron angles weighing more than 4000 kg and round bars weighing more than 1700 kg. The driver and the other person were arrested. The offence was lodged against them because they could not explain from where they had brought those goods. They did not have any documents.

3. Heard Mr. Virendra T. Dubey, Ld. Counsel for the Applicant and Mr.Prashant Jadhav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, the applicant was not found in the truck. Initially, the remand report in respect of arrest of other accused made no reference to the present applicant. He therefore submitted that, he is falsely implicated in the case. He is ready to co-operate with the investigation and seeks protection of anticipatory bail.

5. Ld. APP produced before me the papers of investigation which included the Memorandum Panchanama dated 01/07/2019 wherein the applicant's name was revealed.

6. I have considered these submissions and in particular Memorandum Panchanama dated 01/07/2019 relied on by Ld. APP. The panchanama was conducted pursuant to the statement given by the accused Danish Choudhari. He had shown willingness to show the place and the other accused who had loaded this truck with stolen goods. He had led the police party to Talegaon, Dabhade where the police found some articles. Nine persons were present there. They informed the police that, on the say of one Mohammed Nizam Nawab Khan they were bringing those goods. The prosecution case is that, the said Mohammed Nizam Nawab Khan is the present applicant. The accused Naseem Nawab Khan further informed that, on 27/06/2019 the tempo was loaded with the stolen goods on the say of the present applicant. The other accused were arrested and the other articles found on the spot were seized. This particular Memorandum Statement at this stage points to the complicity of the present applicant. According to the prosecution case based on these statements, the applicant is the main accused and at his behest this offence has taken place. Therefore his custodial interrogation is necessary and no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)