

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

CRIMINAL APPLICATION (ABA) NO.409/2019

Zamiruddin s/o Alimuddin

..VS..

State of Mah., thr. PSO PS City Akot, Taluka and District Akola

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

Court's or Judge's Order

.....
Shri G.I.Dipwani, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 22, 2019.

1. Heard learned counsel Shri G.I.Dipwani for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the prosecution to oppose the application for grant of anticipatory bail.

2. It is submission of learned counsel Shri G.I.Dipwani for the applicant that, the applicant was falsely implicated in crime. He submitted that on 9.4.2019 father of the present applicant lodged a complaint with District Superintendent of Police at Akola against some police officers and, therefore, he is being falsely implicated in crime. He also submitted that in view of orders passed by this Court on 27.6.2019, though the applicant attended police station, he is only asked to sit and no investigation was done. He, therefore, submitted that the applicant be released on pre-arrest bail.

.....2/-

3. Offence under Section 394 read with Section 34 of the Indian Penal Code was registered with Akot City Police Station, District Akola vide Crime No.154/2019 on report lodged by Sameer Patel. The report is lodged on 14.4.2019 at 00:24 hours. Incident in question occurred on 13.4.2019 at 21:00 hour. Thus, First Information Report is lodged immediately.

4. As per the First Information Report, the complainant, a labour, when was proceeding towards his house, near Pathan Kirana Store Akhabari Plot Tah.Masjid, the applicant and other co-accused accosted him. At that time, co-accused Amiroddin gave a blow of some weapon due to which the complainant fell down on the ground and the present applicant at that time snatched away Rs.1750/- which was wages from his pocket and fled away from the spot.

5. Reply filed by the prosecution shows that complainant Sameer Patel was referred for his medical examination which shows that he was having 4 blade mark injuries. Reply also shows that the applicant is a habitual offender inasmuch as 5 offences are registered against him. Those are as under:

(i) vide crime No.164/2017 registered for offence under Section 307 read with Section 34 of the Indian Penal Code;

(ii) vide crime No.304/2017 registered for offence under Section 379 read with Section 34

of the Indian Penal Code;

(iii) vide crime No.261/2018 registered for offences under Sections 4 and 25 of the Arms Act;

(iv) vide crime No.401/2018 registered for offences under Sections 324 and 504 read with Section 34 of the Indian Penal Code, and

(v) vide crime No.429/2018 registered for offences under Sections 4 and 25 of the Arms Act.

The above shows that after releasing the applicant on bail, he is indulging into antisocial activities such as committing of robbery.

6. In the First Information Report, name of the present applicant is there. Not only that, a specific role is attributed to him that he snatched away wage amount which the complainant was carrying. The custodial presence of the applicant would be necessary for recovery of the amount.

Merely because, the applicant was granted *ad interim* bail, that is not sufficient for allowing the present application for grant of anticipatory bail.

7. In totality of the circumstances and looking to the fact that the applicant has a scant respect to the law, in

view of his past record, he does not deserve any leniency from the Court. Hence, the criminal application is rejected and disposed of accordingly.

8. Needless to mention that *interim* orders granted by this Court on 27.6.2019 stands vacated and it is expected from Investigating officer to take immediate steps in accordance with law.

JUDGE

!! BRW !!

...../-