

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

LD-VC Criminal Application [BA] No.237 of 2020

Mohd. Salim s/o Abdul Majid Husmani

vs.

The State of Maharashtra, through PSO Karanja City, Washim

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

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Court's or Judge's Orders

Shri M.N. Ali, Advocate for the Applicant.

Shri J.Y. Ghurde, A.P.P. for the Non-Applicant/State.

CORAM : S.M. MODAK, J.

DATE : 16th JUNE, 2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

02] Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

03] The applicant came to be arrested in Crime No.497/2020 registered at Karanja Police Station, District Washim. It was under Section 379, 420, 353 and other Sections of the Indian Penal Code and Section 51(b) of the Disaster Management Act, 2005. There is an allegation that the present applicant is a registered owner of a Truck. In stead of using the said truck for legitimate purpose, he permitted to use it for transporting the sand without permit. When the Tahsildar got information on 19/05/2020 at 01:45 p.m. of unloading the sand was going on, the applicant also reached there and he threatened the officers. On

these allegations, F.I.R. came to be registered.

04] Even though, it may be true that the applicant is alleged of committing an offence involving national resources, the fact remains that police got opportunity of custodial interrogation and the truck in question was already seized. Some of the co-accused have been released on regular bail and some have been granted anticipatory bail. I do not think that his further detention is required for completing the remaining investigation. The apprehension of the prosecution about repeating the crime by the applicant, if released on bail, can be protected by imposing certain conditions. Hence, the order:

ORDER

- I. The application is allowed.
- II. The applicant be released on bail on furnishing P.R. Bond and Surety Bond of Rs.25,000/-.
- III. The applicant is directed to attend Karanja Police Station, District Washim on every Monday and Thursday from 10:00 a.m. to 12:00 noon till filing of the charge-sheet.
- IV. Applicant is directed not to tamper with the prosecution witnesses.
- V. The prosecution is at liberty to move for cancellation of bail, if any of the conditions is breached. If such request is made, it can be considered on merits.

VI. The application is disposed of.

VII. This order be communicated to the learned Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

**sandesh*

JUDGE

Sandesh
Waghmare

Digitally signed
by Sandesh
Waghmare
Date:
2020.06.17
16:48:56 +0530