

Syed Saber Ali s/o Khamar Ali Shah ... **Applicant**
Age: 52 years, Occu: Business
R/o Mominpura, Parbhani
District Parbhani

The State of Maharashtra, Through Police Inspector, Police Station Nanalpeth, Parbhani, Dist.Parbhani	...	Respondent
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CORAM : V. G. BISHT, J.
DATE : 27th September, 2021

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 315/2021 registered with Nanalpeth Police Station, Parbhani, Dist. Parbhani for the offences punishable under Sections 295, 297, 34 of the Indian Penal Code, 1860.

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3. Mr. Shaikh Wajeed Ahmed, learned counsel for the applicant, submits that keeping in mind the nature of allegation, there is nothing to be recovered from the applicant and therefore, custodial interrogation of the applicant is not at all required.
4. Mr. N. T. Bhagat, learned A.P.P., on the other hand, opposed the submissions by contending that the issue being sensitive one and the fact that investigation is in progress, the application needs to be rejected.
5. Apparent reading of the first information report would reveal that the applicant was found levelling the land of the said Eidgah with a view to construct the shop and except that there is nothing. I am in agreement with the learned counsel for the applicant that the nature of allegation does not warrant custodial interrogation as there is nothing to be recovered from the applicant.
6. For the aforesaid reasons, I am inclined to allow the application. Hence the following order.

O R D E R

In the event of arrest of the applicant in connection with Crime No. 315/2021 registered with Nanalpeth Police Station, Parbhani, Dist. Parbhani for the offences punishable under Sections 295, 297, 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing

P.R. Bond of Rs.15,000/- [Rs.Fifteen thousand only], with one or two solvent sureties in the like amount.

7. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC