

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

Criminal Application (ABA) No. 254 of 2021

(Kuber S/o BechuVerma ..vs.. State of Maharashtra through P.S.O., Wani P.S., Tq. Wani &
Dist. Yavatmal)

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

Court's or Judge's orders

Mr. Manish Shukla, Advocate h/f Shreerang Bhandarkar, Advocate for the
applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-04-2021

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

2. The applicant is apprehending arrest in Crime 262/2021 registered with Police Station, Wani, District Yavatmal for the offences punishable under Sections 379, 407 and 411 read with Section 34 of the Indian Penal Code.

3. Vide order dated 16-4-2021, ad-interim pre-arrest protection was granted by noting thus :

“5. The submission is that owner of the coal which was being transported has no grievance and has not lodged any complaint. It is

submitted that since the person who is the owner and/or in possession has no grievance, the First Information Report could not have been lodged by API Gopal Digambar Jadhav. In view of the submission, till the perusal of the case diary, the applicant is entitled to interim pre-arrest protection.”

4. The applicant has attended the concerned police station, complying with the condition of pre-arrest protection.

5. Case diary is perused. Learned Additional Public Prosecutor Mr. Pathan fairly does not dispute that till date, neither the owner nor the person in legal possession of the coal has come forward to lodge a complaint. The crime is registered on the basis of report lodged by Police Officer API Gopal Digambar Jadhav. Considering the fact that there does not appear to be an aggrieved person at least as of now, the interim protection granted vide order dated 16-4-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the

concerned police station as and when required by the Investigating Officer.

6. The application is disposed of.

JUDGE

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