

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

CRIMINAL APPLICATION (ABA) NO. 282 OF 2021

Anis Ahemad Shaikh Yunus

...Versus...

State of Maharashtra through PSO, P.S. Malkapur City, Malkapur, Tq. Malkapur,
Distt. Buldhana

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

Court's or Judge's orders

Shri V.S. Giramkar, Advocate for the applicant

Shri A.R. Chutke, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 17/06/2021

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

2. The applicant apprehends his arrest in Crime No. 0157/2021, registered with Malkapur City Police Station, District Buldhana, for the offences punishable under Sections 324, 427, 506, 392, 394 r/w Section 34 of the Indian Penal Code.

3. It is the prosecution case that on 30/03/2021, on account of the old quarrel, present applicant and three others assaulted the informant with the help of iron rods. They damaged his vehicle, laptop and mobile. They also damaged the Swift car. Subsequently, supplementary statement of the informant was recorded wherein, he has alleged that he had kept a bag containing Rs. 20,000/- in his vehicle, which is stolen away by the accused.

4. Heard the learned Advocate for the applicant and the Additional Public Prosecutor for the State.

5. The allegations in respect of theft of Rs.20,000/-, *prima facie*, appears to be afterthought. Co-accused Mustafa was arrested and weapon used in the crime is recovered from him. Other co-accused Shahrukh and Matin, against whom similar allegations are made, are already released on anticipatory bail by the learned Sessions Court.

6. The applicant was protected by interim order dated 05/05/2021 and he has attended the Police Station and has cooperated in the investigation. The investigation papers reveal that the investigation is almost complete. Custodial interrogation of the applicant is not warranted at this stage in the facts of the present case. Hence, the following order:

(i) Criminal application is allowed in terms of interim order dated 05/05/2021.

(ii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge-sheet.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall not indulge in any criminal activity.

7. The application is disposed of.

JUDGE