

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

CRIMINAL APPLICATION (ABA) NO. 326 OF 2021

Roshan s/o Husainrao Mankar

..vs..

State of Maharashtra, thr. P.S.O.

AND

CRIMINAL APPLICATION (ABA) NO. 328 OF 2021

Shriniwas Baban Shete and anr.

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Mrs. M.M. Ghatode, Advocate for applicants.
Shri A.M. Deshpande, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 03/08/2021

Heard.

2. In anticipation of arrest in Crime No.397 of 2020 registered with Butibori Police Station, District Nagpur for the offence punishable under Section 379 read with 34 of the Indian Penal Code, the applicants are prayed for pre-arrest bail.

3. Reading of First Information Report discloses that there was theft of minor minerals (Muroom) from land bearing Survey No.18 and 74 which is owned by co-accused. On that basis, Crime was registered against four co-accused for commission of theft of

minor minerals.

4. It is contended that though the applicants has not been named in First Information Report still Police are repeatedly calling him for inquiry and therefore, the apprehension.

5. It is pointed out that the Sessions Court has already granted pre-arrest protection to four co-accused who are the land owners and whose name were mentioned in the First Information Report. More particularly, interim order dated 03.05.2021 and 09.06.2021 passed in Criminal Application (ABA) No.279 of 2021 is produced. The said order relates to a similarly situated transporter who has transported minor minerals, concerning the same crime. This Court has initially granted interim protection to him, but, as he was not added in the crime, time being protection was granted for securing his right to approach this Court, if needed.

6. The applicants being similarly situated persons, the same relief can be granted since till date, they have not been added in the crime. In view of the above, following order is passed :

- (a) The non-applicant/State is directed to give seven days intimation to the applicants, if the non-applicant is intending to register the

offence against the applicants in present crime, so as to enable them to approach before appropriate Court for grant of anticipatory bail.

- (b) It is made clear that interim protection granted to applicants will continue till the applicants are added as an accused in crime and one week thereafter.

Both applications stand disposed of accordingly.

JUDGE

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