

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

Criminal Application (BA) No. 1264 of 2021

(Samim Karim Sayyad ..vs.. State of Maharashtra through P.S.O., P.S. Sakoli, Tal. Sakoli,
Dist. Bhandara)

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

Court's or Judge's orders

Mr. V. S. Mishra with Mr. K. Jhamb, Advocates for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 18-12-2021

Heard.

2. The applicant is seeking bail in connection with Crime 506/2021 registered with Police Station, Sakoli, Taluka Sakoli, District Bhandara for offences punishable under Sections 328, 272, 273 and 188 read with Section 34 of the Indian Penal Code.

3. The applicant claims to be the driver of the transport vehicle which was intercepted on the National Highway and found transporting prohibited scented tobacco worth Rs. 2,19,600/- (Rupees Two Lacs Nineteen Thousand Six Hundred).

4. The submission in a nutshell is that the applicant is an employee who was driving the transport vehicle without being aware of the nature of the goods.

5. Learned Additional Public Prosecutor Mrs. Kalyani Deshpande fairly states that although the charge-sheet is not filed, as regards the applicant, there is nothing further to investigate. It is further fairly stated that *prima facie* the material discloses that the applicant was employed as driver.

6. The applicant has no criminal antecedent. Considering that the submission that the applicant was not aware of the nature of goods, is an arguable submission, which will have to be tested in the trial, I am inclined to grant bail.

7. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixtteen Thousand) with solvent surety of the like amount.

(ii) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

(iii) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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