

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 ANTICIPATORY BAIL APPLICATION NO.894 OF 2022

**NIJAM HABIB SAYYED
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Bharat Pankaj A.
APP for Respondent State: Mr. K. S.Patil

**CORAM : S. G. MEHARE, J.
DATE : 5th AUGUST, 2022**

ORDER:

1. Heard learned counsel for the applicant and learned APP for the State.
2. The facts of the case have been discussed in the order dated 12th July, 2022. The applicant is a transport contractor with the complainant. The alleged Tractor and trolley have been recovered from the other co-assured. The complainant was agreed to handover the tractor in question to the applicant and he had received Rs. Six lakhs from the applicant. The applicant has no role to play in the alleged crime. Hence interim protection is claimed to be confirmed.
3. Learned APP submits that mobile handset of the applicant is required to be seized and therefore, custodial interrogation of the

applicant is essential. Bare statement has been made by the Investigating Officer that mobile handset is to be recovered from the applicant but has not satisfactory explained why the mobile handset of the applicant is required to be seized.

4. The alleged stolen vehicle has already been seized from the co-accused. The applicant has a case that he has a contract with the complainant and he has paid him Rs. 6 lakhs. Considering the facts, this Court is of the view that the applicant has good case for anticipatory bail. Hence, the following order.

O R D E R

- (i) The application is allowed.
- (ii) Interim protection granted to the applicant by order dated 12th July, 2022 is confirmed on the same terms and conditions of bail.

(S. G. MEHARE, J.)

JPChavan