

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

ANTICIPATORY BAIL APPLICATION NO.1306 OF 2022

**ABDUL RAMIZ S/O. ABDUL RAUF SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Swapnil S. Rathi, Advocate for Applicant
Mr. P. V. Diggikar, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 18th NOVEMBER, 2022

PER COURT :

1. Applicant is apprehending his arrest in connection with Crime No.0420/2019, registered with Nanalpeth Police Station, Parbhani, for offence punishable under Sections 420, 465, 468, 471, 472, 506 read with 34 of the Indian Penal Code.
2. FIR in question is lodged alleging that accused persons named therein have cheated the informant by extracting money on the pretext of giving job to his son in Railways. In the FIR, four accused persons including father of the applicant are named. Name of applicant is not there in the FIR. Pursuant to registration of FIR investigation was carried out and charge-sheet was filed on 16/12/2019. In the charge-sheet also, name of the applicant is not mentioned.
3. It is the case of prosecution that even after filing of charge-sheet investigation was continued and one of the arrested

co-accused has named the applicant stating that applicant was also involved in alleged crime.

4. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

5. Except the allegation that applicant was present along with co-accused at the time of accepting money by co-accused, there is no other allegation and/or role played by applicant in alleged offence. There is no material showing involvement of applicant in present crime. Offence is registered in the year 2019 and charge-sheet is also filed in the year 2019.

6. Taking into consideration allegations made against applicant and papers of investigation, custodial detention of applicant is not warranted in the facts of the present case.

7. Application is, therefore, allowed by confirming the interim order passed by this Court on 29/09/2022. Applicant shall attend concerned police station as and when called by Investigating Officer and shall not tamper with the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)