

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

930 CRIMINAL WRIT PETITION NO.1342 OF 2021

ARBAZ EJAJ HUSSAIN SAYED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. G. R. Syed
APP for Respondents-State: Mr. S. D. Ghayal

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.
DATED : 5th JANUARY, 2022.**

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ORDER :

1. Heard finally with consent at admission stage.
2. By way of this writ petition, the petitioner seeks quashing and setting aside the order dated 04/01/2021 passed by respondent no.3 withdrawing thereby the police protection granted to the petitioner by order dated 06/10/2020.
3. Learned counsel for the petitioner submits that the petitioner has lodged a complaint against syndicate of crime headed by person namely Najir Ahmemd Abdul Rajjak @ Najju Pahelwan, who is a Corporator. Thus, the petitioner is now facing the life threats. He has been assaulted by unknown persons without any reason. The petitioner has brought all

these facts to the notice of respondent no.3 and thus, the police protection was provided to him by order dated 06/10/2020. However, after a very short span, by impugned order dated 04/01/2021 respondent no.3 withdrew the said order dated 06/10/2020 by referring the report of district level committee constituted by the Topkhana Police Station and Sub-Divisional Police Officer at Ahmednagar. It is observed in the impugned order that no police protection should be granted thereafter. Learned counsel submits that pursuant to the impugned order dated 04/01/2021, the protection is now withdrawn. The petitioner is again facing the similar life threats. The petitioner has pointed out the illegal activities of Najju Pahelwan, who is a politically influential person and thus, the police protection though initially granted, came to be withdrawn at his instance. Learned counsel submits that even though the petitioner has lodged the complaint in the concerned police station, no cognizance was taken. The petitioner was, therefore constrained to lodge the complaint before the Magistrate bearing Criminal M. A. No. 95 of 2021.

4. Learned APP submits that the report submitted by the Police Inspector, Topkhana Police Station, Ahmednagar dated 18/12/2021 is self-speaking. Learned APP submits that the

petitioner has certain connections with the known criminals from Pune and Mumbai, and the concerned police station has received photographs of the petitioner along with those criminals. Learned APP submits that no interference is required. Respondent no.3 has rightly withdrawn the protection by impugned order dated 04/01/2021.

5. We have carefully gone through the report submitted by the Police Inspector, Topkhana Police Station, Ahmednagar dated 18/12/2021. It appears that initially the petitioner was working as a driver on private vehicles. However, thereafter, he has started doing business of selling and purchasing plots. It has been specifically stated in the report that in order to influence the big businessmen in the real-estate, the petitioner has obtained the protection by misleading the authorities. Further it has been specifically stated in the report, which is very serious that the petitioner was having the connections with the criminals Datta Fuge from Pune, who is at present no more and he is also having connection with criminal Haji Bilal and Deepak Nikalje from Mumbai. The concerned police station has obtained the photographs to that effect. It has been also stated in the report that the petitioner was seeking for the protection only while he was visiting the other districts by depositing requisite charges.

However, in Ahmednagar City he was not seeking any police protection. Thus, we find much substance in the report that in order to influence the big businessmen in the real-estate market the petitioner used to take the protection by paying requisite charges. Further more, if the petitioner is having connections with the criminals from Mumbai and Pune, we do not think that the petitioner is entitled for further police protection. We do not find any fault in the impugned order. There is no substance in the criminal petition and accordingly the writ petition is hereby dismissed.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

vsm/-