

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

CRIMINAL APPLICATION (ABA) NO.235 OF 2022

Shaikh Gulam Mohammad Abdul Razzaq

Versus

State of Maharashtra, through P.S.O., P.S. Jalamb, Tq. Shegaon, Dist. Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.A. Mohta, Advocate for the applicant.

Shri S.M. Ghodeswar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.20 of 2022, dated 23.01.2022, registered with Police Station Jalamb, District Buldhana, for the offences punishable under Sections 461 and 380 of the Indian Penal Code.

2. Shri Mohta, learned counsel for the applicant submits that the name of the applicant arraigned as accused on the basis of statement of co-accused. It is submitted that the applicant is falsely implicated. He further submits that there is no material to show any involvement of the applicant in the alleged offence.

3. On the other hand, Shri Ghodeswar, learned APP strongly opposes the application and submits that stolen batteries have to be recovered from the applicant. It is submitted that it has come in the statement of co-accused

that the stolen batteries were purchased by the applicant. He, therefore, prays for rejection of this application.

4. I have perused the Case Dairy and also the contents of the First Information Report (FIR).

5. The applicant arraigned as accused on the basis of statement of co-accused. The offence was registered in the month of January, 2022. However, till date, no material has been collected by the prosecution to show the connection of the applicant in the alleged offence, except the statement of co-accused. Thus, at this stage, in absence of any *prima facie* incriminating material available to show the involvement of the applicant in the alleged offence, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 07.04.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]