

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

CRIMINAL APPLICATION (ABA) NO.269 OF 2022

Mr. Musthtak Sheikchand Farooqui

Versus

State of Maharashtra, through P.S.O., P.S. Ballarshah, Dist. Chandrapur and another

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

Court's or Judge's Order

Shri R.M. Dage, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicants/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.1168 of 2021, dated 17.10.2021, registered with Police Station Ballarshah, District Chandrapur, for the offences punishable under Sections 406, 409, 465, 466, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. The above referred crime was registered against one Praful Narhar Wagh and officers and employees of Forest Department of the Ballarshah, District Chandrapur. Thus, initially the name of the applicant was not shown as accused. However, it is stated that on the basis of Inquiry conducted by the department, his name was arraigned as accused.

3. Shri Daga, learned counsel for the applicant submits that the applicant has got superannuated in 2016. The

period of occurrence of offence is on 01.01.2015 to 31.12.2017 and the offence was registered on 17.10.2021. It is submitted that mainly the allegations are against the accused No.1. He further submits that the applicant has been falsely implicated in the alleged offence

4. Shri Mirza, learned APP opposes the present application and submits that in the Inquiry Report, the applicant has been found guilty of the alleged offence and therefore, the complaint was lodged and crime was registered. He, accordingly, prays for rejection of the present application.

5. I have perused the Case Diary, Inquiry Report and also the contents of the First Information Report (FIR).

6. The applicant has got superannuated in the year 2016 and there is no dispute that the crime was registered on 17.10.2021 for the occurrence of offence during the period of 01.01.2015 to 31.12.2017. The period of occurrence of offence also covers the period subsequent to the superannuation of the applicant.

7. The complaint was lodged after the inquiry was conducted at the departmental level. Thus, *prima facie* it is clear that all the relevant documents which was the basis for submitting the report holding the accused No.1 and other

officers and employees of the Department, as responsible for the alleged offence. Thus, in my opinion, that custodial interrogation is not necessary in this case. In that view of the matter, 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) It is directed that in the event of arrest of the applicant in Crime No.1168 of 2021, dated 17.10.2021, registered with Police Station Ballarshah, District Chandrapur, for the offences punishable under Sections 406, 409, 465, 466, 467, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 5, 6 and 7th May, 2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.

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