

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

CRIMINAL APPLICATION (ABA) NO.312 OF 2022

Mohsin S/o Sharif Sheikh

Versus

State of Maharashtra, through P.S.O., P.S. Kuhi, Dist. Nagpur

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

Court's or Judge's Order

Shri T.H. Bewali, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.115 of 2022, dated 18.03.2022, registered with Police Station Kuhi, District: Nagpur (Rural), for the offences punishable under Sections 379 and 411 read with Section 34 of the Indian Penal Code.

2. Shri Bewali, learned counsel for the applicant submits that the applicant attended the Police Station as directed by this Court and cooperated the Investigation Officer in investigation. He submits that the applicant had granted *ad-interim* anticipatory bail vide order dated 05.05.2022 and in last two months there is no complaint about misuse of liberty by the applicant.

3. He further submits that the applicant has attended the Police Station at least for nine occasions, hence, the custody of the applicant is not necessary.

4. On the other hand, Shri Sirpurkar, learned APP opposes the present application.

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

6. This Court on 05.05.2022 granted *ad-interim* anticipatory bail to the applicant and thereafter, vide order dated 07.06.2022, he has directed to attend the Police Station on 10th, 11th and 12th June, 2022. The attendance diary of the applicant shows that he attended the Police Station at least for eight to nine occasions. There is no complaint about misuse of liberty by the applicant during this period of two months.

7. In the above referred backdrop, I am of the opinion that further custody of the applicant is not necessary. Moreover, there is nothing to show that there is any possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial, if bail is granted. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 05.05.2022, 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.
- c) The applicant shall not tamper with the prosecution witnesses.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]