

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

CRIMINAL APPLICATION (ABA) NO.371 OF 2022

(ATINDRA SUBHASH SHIL...VS.. STATE OF MAH. THR. PSO PS AHERI, DISTRICT : GADCHIROLI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 17, 2022.

1. Heard.

2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.36 of 2022, registered with Police Station, Aheri, District: Gadchiroli for the offences punishable under Sections 406 and 409 read with Section 34 of the Indian Penal Code.

3.The learned counsel for the applicant submits that the applicant is noway connected with the Society against which the allegation of breach of trust is being made. He further submits that he is a Transporter and even his name was not featured in the F.I.R. It is submitted that even if the allegations made in the F.I.R. are taken on its face value, as the applicant is not the office bearer or connected with the Society, Section 409 does not attract to the case of the applicant and in that case maximum punishment

under Section 406 of the Indian Penal Code would be three years.

4. It is submitted that the applicant has been falsely implicated in the alleged offence. Accordingly, he prays for confirmation of the ad-interim pre-arrest bail.

5. The learned A.P.P. strongly opposed the application and submits that the applicant is the person who has provided 7/12 extracts and information of the farmers to the main accused persons. He, therefore, submits that his role was important in the alleged offence and if he had not supplied 7/12 extracts and information of the farmers, there would not have been present offence. Accordingly, he prays for rejection of the present application.

6. I have perused the case diary and the F.I.R.

7. *Prima-facie*, there is nothing to show that the applicant is an office bearer or any way connected with the Society, against whom the allegations of breach of trust are made.

8. The applicant is a Transporter and in one of the statements of witnesses it is mentioned that the applicant has supplied 7/12 extracts of the farmers and details of the farmers to the main accused Chavhan. The main accused Chavhan is in jail.

9. Considering the above referred facts, I am of the opinion that the custodial interrogation of the applicant is not necessary in this case as, *prima-facie*, there is nothing on record to show the involvement of the applicant except the statement of witnesses that the applicant supplied 7/12 extracts and information of the farmers. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) Order dated 08/06/2022 granting ad-interim anticipatory bail to the applicant is confirmed.
- iii) The applicant shall attend the concerned Police Station as and when his presence is required.
- iv) The applicant shall not tamper with the prosecution evidence.

The Criminal Application is **disposed of** accordingly.

JUDGE

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