

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

CRIMINAL APPLICATION (ABA) NO.429 OF 2022

Sayyed Tausif Ali @ Bablu Sayyed Abdul Ali

Versus

State of Maharashtra, through P.S.O., P.S. Mukutban, Dist. Yavatmal

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

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 14/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.208 of 2022, dated 17.05.2022, registered with Police Station Mukutban, District: Yavatmal, for the offence punishable under Section 379 of the Indian Penal Code.

2. Shri Ali, learned counsel for the applicant submits that the vehicle which is involved in the present offence, though it is owned by him it was rented out to the accused persons and he had no knowledge about the activity of the accused persons. He therefore, submits that the applicant has no connection in the alleged offence and he has been falsely implicated in the alleged offence.

3. Shri Ali, learned counsel for the applicant further submits that he is ready to co-operate the

Investigation Officer in investigation if the protection is granted and if the applicant is permitted to attend the police Station.

4. On the other hand, Shri Deshpande, learned APP strongly opposes the present application and submits that, at this stage, the defence of the applicant/accused cannot be considered and even otherwise, it is the matter of investigation that, whether the vehicle was rented out or it was not, to the persons who were found along with the said vehicle and the stolen property.

5. He therefore, submits that custodial interrogation is necessary. He further submits that for effective investigation in such matters, custodial interrogation is necessary and accused having an order of pre-arrest bail with him, normally does not cooperate the Investigation Officer to the fullest extent. Therefore, he submits that even asking the applicant to attend the Police Station will not serve the purpose.

6. The learned APP further points out that there are criminal antecedents to the discredit of the applicant and submits that if he is released on bail, he may pressurize the prosecution witnesses or he may commit another offence. Accordingly, he prays for rejection of the present application.

7. I have perused the Case Diary, Application and reply of the State.

8. In this case, the vehicle namely Mahindra Bolero was found carrying stolen iron material. The said vehicle is owned by the applicant. Though the applicant has come up with a case that the said vehicle was rented out by him to the co-accused, however, the possibility as expressed by learned APP that the applicant might have hired the co-accused for commission of the alleged offence, cannot be ruled out at this stage, unless the investigation is completed.

9. In the circumstances, considering the seriousness of the offence, I am of the opinion that custodial interrogation of the applicant is necessary. Furthermore, looking at the criminal antecedents of the applicant, though the offences are not of similar nature, but there is every possibility as expressed by the learned APP that if the applicant is released on bail, he may commit some serious offence, cannot be ruled out. In the circumstances, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]