

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

CRIMINAL APPLICATION (ABA) NO.436 OF 2022

Shaikh Wajid Shaikh Salim

Versus

State of Maharashtra, through P.S.O., P.S. Channi, Tah. Patur, Dist. Akola

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

Court's or Judge's Order

Shri U.J. Deshpande, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.198 of 2020, dated 30.06.2022, registered with Police Station Channi, District: Akola, for the offence punishable under Section 380 of the Indian Penal Code.

2. Shri U.J. Deshpande, learned counsel for the applicant submits that there is no recovery from the present applicant in connection with Crime No.198 of 2020. The recovery is from another accused and present applicant has no concerns with the alleged offence. Thus, it is submitted that custody of the applicant is not necessary in this case.

3. He further submits that the alleged offence is of the year 2020, whereas, they are seeking custody of the applicant after two years. He submits that merely on

suspicion, the Police want custody of the applicant. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri V.A. Thakare, learned APP opposes the present application and submits that the report on which the applicant is relying upon to show that he was released after recovery of stolen motor cycle and no custody was sought, is of local Crime Branch, Akola dated 28.04.2022. The said report doesn't say that the applicant was taken into custody by the Channi Police Station where the present crime has been registered.

5. It is further submitted that his involvement in some more similar crime of theft cannot be ruled out and as such, his custodial interrogation is necessary. Accordingly, he prays for rejection of the present application.

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

7. From the Case Diary, it appears that local Crime Branch after recovering two motor cycles involved in the present matter and Crime No. 222 of 2022 registered with Police Station Balapur, released the applicant.

8. However, subsequently, it is revealed that five more motor cycles are involved in similar offence.

Therefore, Channi Police Station wants custody of the applicant in the present matter for interrogation.

9. Thus, considering the matter in the above perspective that there are many motor cycles involved in the offence and to find out the involvement of the applicant in similar offences if at all committed by him, his custody is necessary, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]