

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

CRIMINAL APPLICATION (ABA) NO. 456 OF 2022

Sajid Ahemad s/o Shakil Ahemad and another **Versus** State of Maharashtra, thr. PSO.,
P.S. Nagpuri Gate, District Amravati.

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

Court's or Judge's Order

Shri P.V.Navlani, Advocate for the applicants.

Ms Shamshi Haider, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 06/07/2022.

1. The applicants are seeking pre-arrest bail in Crime No.336 of 2022, registered with Police Station, Nagpuri Gate, District: Amravati, for the offences punishable under Sections 353, 332, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Shri P.V.Navlani, learned counsel for the applicants submits that the applicants have been falsely implicated in the alleged offence, as they are in no way connected with the alleged offence.

3. It is submitted that even the Pen-drive containing videography of the inspection carried out by the Flying Squad of the Electric Meter of the applicants, is supplied to the learned APP, which does not support the case of the prosecution.

4. Shri P.V. Navlani, learned counsel for the applicants has drawn attention of this Court to the Electric Bills and he submits that there is no question of theft of electricity, as the applicants are regularly paying the electricity charges.

5. He further submits that this Court while granting ad-interim anticipatory bail vide order dated 29/06/2022, has observed that the applicants shall attend the concerned Police Station as and when their presence is required.

6. He points out that the Police Authorities have never called him. According to him, this shows that custody of the applicants is not necessary.

7. On the other hand, learned Ms Shamsi Haider, learned APP opposes the present application.

8. I have perused the Case Diary and the FIR.

9. In the case diary, there is no statement of independent witnesses. The statements on which, the case of the prosecution is based, are the statements of the members of the Flying Squad.

10. This Court, on 29/06/2022, while granting ad-interim anticipatory bail has observed that the applicants shall attend the concerned Police Station as and when their presence is required. However, it appears that the

Investigating Officer did not call the applicants. This show that the custody of the applicant is not necessary in this case.

11. Considering the above-referred facts and as there is nothing to show that if the applicants are released on bail there is possibility of pressurizing the prosecution witnesses, accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 29.06.2022, granting *ad interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned Police Station on 11, 12, 13 and 14 – July, 2022 between 10.00 a.m. to 12.00 noon.

[ANIL S. KILOR, J.]