

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application (ABA) No.463/2022**

Latif Ansari V State of Maharashtra thr PSO PS Khaperkheda, Nagpur

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Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

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Mr. Ajit Anekar, Advocate h/f Ms Madhuri Negi, Advocate for applicant.

Mr. V.A. Thakare, APP for State.

**CORAM : ANIL S. KILOR, J.**

**DATE : 27-07-2022**

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0522/2020 registered with Police Station Khaperkheda, District Nagpur Gramin for the offences punishable under Sections 341, 307, 324, 323, 427, 143, 147, 148, 149 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the applicant was not named in the FIR and he is no way connected with the alleged offence. He, therefore, submits that the applicant has been falsely implicated in the alleged offence. He, further submits that as there is no material available on record to implicate the applicant in the alleged offence, custodial interrogation of the applicant is not necessary.

3. He further submits that in this case as the chargesheet has already been filed after completion of the investigation, the custody of the applicant is not necessary. He has drawn attention of this Court to the statement of one Atik Parvez and tried to convince that from the same it is clear that the applicant is not involved in the alleged offence. Hence, he prays for grant of pre-arrest bail.

4. On the other hand, learned APP opposed the application and submits that the applicant is absconding from last two years. It is pointed out from the statement of witnesses that there is a love affair between the deceased and the daughter of the present applicant. He submits that threats were given to the maternal uncle of the deceased. Thus, the learned APP submits that there are sufficient material showing the involvement of the applicant in the alleged offence and therefore, though he was not named in the FIR, he is the conspirator and at his instance the alleged incident took place. He, therefore, submits that the custodial interrogation of the applicant is necessary. Accordingly, he prays for rejection of the present application.

5. He further points out that the chargesheet is not filed against the applicant as he is absconding.

6. I have perused the chargesheet filed against the co-accused persons who were arrested. From the statement of

witnesses which support the case of the prosecution, it can be seen that, the applicant is the conspirator. There is sufficient material to show the intention of the applicant behind the commission of the alleged offence.

7. The applicant is absconding from last two years and as the offence is serious, the custodial interrogation of the applicant is necessary. Thus, considering the nature and seriousness of the offence and the severity of the punishment which conviction will entail, I am of the opinion that it is not a fit case where pre-arrest bail should be granted to the applicant.

8. In that view of the matter, I pass the following order:-

### **ORDER**

Application is rejected.

(Anil S. Kilor, J.)