

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

CRIMINAL APPLICATION (ABA) NO.505 OF 2022

Mosin Khan S/o Ajiz Mohammad Pathan

Versus

State of Maharashtra, through P.S.O., P.S. Karanja, Dist. Washim

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

Court's or Judge's Order

Shri A.K. Bhangde, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 04/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.291 of 2022, dated 01.06.2022, registered with Police Station: Karanja, District: Washim, for the offences punishable under Sections 379 of the Indian Penal Code.

2. Shri Bhangde, learned counsel for the applicant submits that the alleged incident is dated 25.05.2022 whereas, the First Information Report (FIR) came to be lodged on 01.06.2022 and the allegations are about commission of theft of four wheeler namely Tata Safari. He has pointed out that in the FIR, which was belatedly filed, the complainant has named the applicant saying that, he suspected the theft committed by the applicant and accused No.2. Thereupon, the applicant and one Parvez Khan were arraigned as accused.

3. Shri Bhangde, learned counsel for the applicant therefore, submits that as there is nothing incriminating against the applicant and even there is no reason given by the complainant for having such suspicion against the applicant and other co-accused, this is a case of false implication. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that the vehicle has been recovered from a square where it was parked in abandoned condition. He submits that as the complainant has stated the name of the applicant, custody of the applicant is necessary.

5. I have perused the Case Diary, and the First Information Report (FIR).

6. In the FIR, the complainant has stated that he has suspicion that his Tata Safari was stolen by the accused persons. However, the reason as to why he is suspecting that the accused have stolen his four wheeler, is not mentioned in the FIR. The mention of such fact is significant in this case, as the alleged incident of theft is dated 25.05.2022 whereas, the complaint came to be lodged on 01.06.2022. Thus, it creates doubt about the veracity of the allegations made in the FIR.

7. The vehicle has already been seized by the Police and there is nothing to be recovered from the applicant. Thus, in the above referred backdrop, I am of the opinion that the applicant is entitled for grant of pre-arrest bail.

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 07.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 10th, 11th, 12th, 13th of August, 2022 between 9.00 a.m. to 11.00 a.m. and thereafter as and when his presence is required.
- c) The applicant shall not tamper with the prosecution witnesses.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]