

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

CRIMINAL APPLICATION (ABA) NO.542 OF 2022

Sunil S/o Prakash Shinde

Versus

State of Maharashtra, through P.S.O., P.S. Washim (Rural), Tah. & 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 S.S. Shinde, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 11/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.262 of 2022, dated 18.06.2022, registered with Police Station Washim (Rural), District: Washim, for the offences punishable under Sections 409, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Shinde, learned counsel for the applicant submits that the applicant is the Head/Store keeper of the Warehouse at Washim where the agricultural produce is stored by the agriculturist. It is submitted that on finding that the gram seeds got affected by the insecticides the applicant removed the gram seeds for cleaning and while taking the same for cleaning, the police intercepted the vehicle and seized the same. As the gram seeds were

removed by the applicant for cleaning without necessary permission, the offence came to be registered.

3. The learned counsel for the applicant further submits that as the Police have seized the material and there is nothing to be seized from the applicant, the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri T.A. Mirza, learned APP strongly opposes the present application and submits that the applicant is the main accused. He pointed out that in the inquiry conducted by the Director of the Warehouse, it was revealed that the applicant has forged the record and documents. Accordingly, he submits that the custodial interrogation of the applicant is necessary.

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

6. From the case diary, it can be seen that the applicant is the Head of the Warehouse and who has removed 159 gunny bags of gram seeds on the pretext of cleaning the same. By intercepting the vehicle the Police have seized 159 gunny bags and thereupon, it was found that without permission the said material was removed by the applicant from the Warehouse. Further, in the inquiry

by the Director, it has come on the record that the applicant has forged the record and documents. In that view of the matter, I am of the opinion that the custodial interrogation of the applicant is necessary. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]