

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

CRIMINAL APPLICATION (ABA) NO.540 OF 2022

Sachin S/o Prakash Sawale

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 there was no intention of the applicant to commit any offence. The allegation is that the gram seeds were removed from the godown without necessary permission. It is submitted that the applicant has done all this on the instructions of the Head of the Warehouse, the accused No.1.

3. It is further submitted that as the gram seeds have already been seized, no custodial interrogation of the applicant is 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 in the inquiry conducted by the Director of Maharashtra State Wakhar Mandal it was revealed that the accused persons have forged some documents for the purpose to get wrongful gain. Accordingly, he prays for rejection of the present application.

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

6. *Prima facie*, it appears that the applicant is not the employee of the Warehouse from where the gunny bags were removed for cleaning purposes. It further appears from the FIR and the case diary, that one Sunil Prakash Shinde who is the Head of the Warehouse, is the person who instructed, the accused No.2 to remove 159 gunny bags of gram seeds for cleaning purposes.

7. In this case, the Police have already seized 159 gunny bags of gram seeds. Thus, considering the allegations and the role attributed to the applicant, I am of the opinion

that custodial interrogation of the applicant is not necessary.
Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 19.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.
- c) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]