

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

Criminal Application (ABA) No. 577 of 2022

Salman Khan Shammi Pathan

Versus

State of Maharashtra, through Police Station Officer, Police Station
Jaripatka, Dist. Nagpur

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

Court's or Judge's Order

Shri MD. N. Opai, Advocate for the applicant.

Shri A.R.Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 25th August, 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. 207 of 2022 registered with Police Station Jaripatka, Dist. Nagpur for the offence punishable under Sections 3 and 7 of Essential Commodities Act.

2. Learned counsel for the applicant submits that as the investigation is almost over and as the applicant regularly attended the police station, his custodial interrogation is not necessary in this case. It is

submitted the applicant was not named in the First Information Report, however, on a statement of co-accused, he has been arraigned as accused in this case. Accordingly, he submits that there is nothing against the applicant to connect the applicant with the alleged offence. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that investigation is going on and the custodial interrogation of the applicant is necessary to take the investigation to a logical end.

4. The learned Additional Public Prosecutor has pointed out from the case diary that material collected during the investigation by the Investigating Officer, to show the involvement of the applicant in the alleged offence. In addition, he submits that, as there are antecedents of similar nature, this Court may not grant bail to the applicant.

5. I have perused the case diary and the First Information Report.

6. If the antecedents of the applicant are considered, there are 14 cases registered against the applicant prior to the present offence, out of which three cases are of similar nature. Thus, there is every

possibility if the applicant is released on pre-arrest bail, he may commit the similar offence.

7. Furthermore, there are statement of co-accused who has stated that the applicant is doing illegal business of food grains since long. Thus, considering the antecedents of the applicant and the incriminating material, I find substance in the submission of the learned Additional Public Prosecutor that the custodial interrogation of the applicant is necessary. In the circumstances, I pass the following order.

- i. Criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
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