

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

CRIMINAL APPLICATION (ABA) NO.623 OF 2022

(DILIP RAMGOPAL SHAHU...VS.. STATE OF MAH. THR. PSO PS KATOL, DISTT: NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S.Jaiswal, Advocate for Applicant.
Shri S.M.Ghodeswar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 08, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.514 of 2022, registered with Police Station, Katol, District: Nagpur for the offences punishable under Sections 411, 379, 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 126 of the Maharashtra Police Act.
3. Shri Jaiswal, learned counsel for the applicant submits that the applicant has been falsely implicated and he is noway connected with the alleged offence. It is further submitted that for the offences punishable under Sections 411 and 379 of the Indian Penal Code the maximum punishment is three years. He submits that the applicant is ready to cooperate the Investigating Officer in the investigation and as such the custodial interrogation of the applicant is not necessary.

4. On the other hand, the learned A.P.P. strongly opposed the application.

5. I have perused the case diary and the application.

6. It appears that the name of the applicant has been arraigned as accused on a statement of the co-accused. A part of the stolen articles have been recovered from the co-accused who was arrested. Moreover, considering the fact that maximum punishment for the offences punishable under Sections 411 and 379 of the Indian Penal Code is three years.

7. I am of the opinion that if the applicant is directed to attend the Police Station on certain dates and cooperate the Investigating Officer in investigation, the custodial interrogation will not be required. Accordingly, I pass the following order:

i) The application is **allowed**.

ii) The order dated 23/08/2022, granting ad-interim bail to the applicant is confirmed.

iii) The applicant shall attend the concerned Police Station from 19/09/2022 to 24/09/2022 between 10:00 a.m. and 12:00 noon and thereafter as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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