

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

Anticipatory Criminal Application (ABA) No. 775 of 2022

Sagar S/o Ramesh Pawar

Versus

**State of Maharashtra, through Police Station Officer, Police Station
Kondhali, Tq. Katol, 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 A.K.Madane, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 30th NOVEMBER, 2022.

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No. 418 of 2022 registered with Police Station Kondhali, Dist. Nagpur for the offence punishable under Sections 395, 120(B) of Indian Penal Code.

2. The allegations in this case are that the accused persons snatched the amount of Rs.2,00,000/- from the driver of the informant and assaulted.

3. After going through the case diary, nothing incriminating is found particular against the applicant to show his role in the alleged offence. However, the submission of learned Additional Public Prosecutor is that the police wants custody of the applicant to recover the mobile.

4. Learned counsel for the applicant on instructions undertakes to surrender the mobile to the Investigating Officer for the purpose of investigation.

5. In that view of the matter, as the custodial interrogation of the applicant is not necessary for the reasons stated herein above, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that in the event of arrest in crime No.418 of 2022 for the offence punishable under Sections 395, 120-B read with Section 34 of Indian Penal Code, applicant shall be released on bail on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned Police Station from **12th December, 2022 till 15th December, 2022** between 10 am to 12 noon, the same shall be considered as deemed custody for the purpose of recovery of mobile and thereafter as and when his presence is required.

The criminal application is disposed of.

[ANIL S. KILOR, J.]

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by
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Date: 2022.11.30
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