

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1162 OF 2023

INSAN ALI CHAND MOHAMMAD SHAH
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. C. C. Deshpande

APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JULY 28, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 173/2023 registered with Parola Police Station, Tq. Parola, Dist. Jalgaon for the offences punishable under Sections 285, 407, 411, 34 of IPC and Sections 3 and 7 of the Essential Commodities Act, 1955.

2. FIR shows that while patrolling police personnel got secret informant about some persons in collusion with tanker driver are trying to extract steel and liquid tar for the purpose of its sell in black market. Hence, raid was conducted at the spot and five persons were taken in custody. It is alleged in the FIR that one person ran away from the spot.

Applicant apprehends arrest on the basis of statement made by co-accused.

3. Learned APP opposed the application, however, he was unable to show any evidence indicating the involvement of the present Applicant in this crime.

4. Offences which charged against present Applicant are Sections 407 and 411 of IP and other offences are not applicable against him. Since there is no averment in the FIR about any goods being entrusted to the present Applicant, question of application of Section 407 IPC does not arise. Apart from this, admittedly present Applicant did not receive any stolen article from the persons who ran away from the spot in order to attract Section 411 of IPC. Except for the alleged statement of co-accused, which is not admissible in evidence, there is no evidence to connect him with this crime.

5. In view of above, application is allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant in connection with with C.R. No. 173/2023

registered with Parola Police Station, Tq. Parola, Dist. Jalgaon for the offences punishable under Sections 285, 407, 411, 34 of IPC and Sections 3 and 7 of the Essential Commodities Act, 1955, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.

- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani