



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 269 OF 2023

Kabir S/o. Dharmaji Nikure

.Vs.

State of Maharashtra, through PSO, P.S. Umred, Distt. Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Anirudha Jaltare, Advocate for the appellant
Mr Alap Palshikar, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 20, 2023

1. Heard.

2. The applicant is apprehending arrest in Crime No. 91 of 2023, registered at Umred Police Station, District Nagpur Rural for the offences punishable under Sections 420, 265, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Learned Advocate for the applicant submitted that crime in question was registered on the report of Ashish Raut. Learned Advocate submitted that in the report the main allegations are made against Prakash Gaikwad and Manoj Chivane. It is pointed out that no allegation, of any kind, has been made against the applicant. It is

pointed out from the FIR that as per the informant, the accused Prakash Gaikwad and Manoj Chivane had approached the informant through the applicant, being friend of the informant. Learned Advocate took me through the FIR and pointed out that there is no allegations of either direct or indirect payment of money to the applicant or transfer of any amount in his account. Learned Advocate submitted that applicant has not committed any offence and therefore, he is entitled to get protection from arrest.

4. Learned APP submitted that the applicant has criminal antecedents and after taking his criminal antecedents into consideration the learned Additional Sessions Judge was pleased to reject his bail application. Learned APP submitted that the name of the applicant was mentioned in the report and therefore, the facts stated in the report in totality indicates that the applicant had played a prime role in this crime. Learned APP, however, submitted that in view of the protection from arrest granted by this Court the applicant has fully co-operated the police.

5. Perused the record and proceedings. It is seen

that so far the applicant has not been added as an accused in this crime. It is further seen on perusal of the FIR that no specific allegation has been made against the applicant by the informant. No role has been attributed to him in the matter of acceptance of money and cheating for the purpose of parting with the money from the informant to the two accused. Perusal of the FIR would show that the accused Prakash Gaikwad and Manoj Chivane through applicant approached the informant. The informant is undisputedly the friend of the applicant. In the facts and circumstances, I am of the view that this is a fit case to grant protection from arrest to the applicant. Hence, the following order-

- i] The application is allowed.
- ii] The ad-interim anticipatory bail granted to the applicant vide order dt. 27.04.2023 is confirmed on the same terms and conditions.

The application stands **disposed of**. Pending application, if any, stands disposed of.

(G. A. SANAP, J.)