



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

CRIMINAL APPLICATION (A.B.A.) NO. 551 OF 2023

Altaf Ahmed s/o Abdul Ghani Ahmed

Vs.

The State of Maharashtra through PSO, PS Sadar Nagpur

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

Mr M. Hussain, Advocate for the applicant.

Mr Harshal Phutane, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 17, 2023.

1. Heard finally with consent of learned Advocates for the parties.

2. The applicant/accused No.1 has made this application for anticipatory bail in Crime bearing No.178/2023, registered with Police Station, Sadar, District Nagpur for the offences punishable under Sections 294, 323, 504, 506, 427, 380, 392, 448 read with Section 34 of the Indian Penal Code, 1860.

3. Learned Advocate for the applicant/accused No.1 submitted that on account of civil dispute between the informant and the applicant, the false report has been

lodged against the accused persons. Learned Advocate submitted that house where the offence was allegedly committed was not in possession of the informant. Learned Advocate submitted that false allegations have been made against the accused persons. Learned Advocate submitted that only on the basis of past criminal antecedents the bail cannot be denied.

4. Learned APP submitted that this Court has granted conditional bail. The accused was summoned for investigation but he did not co-operate the police. Learned APP pointed out that the accused has retired as a A.S.I. from police department. It is pointed out that the accused No.1 after his retirement indulged in the crime on posing himself as a police Inspector and committed the offences. Learned APP submitted that for the purpose of seizure of the stolen property, custodial interrogation is necessary.

5. The learned Additional Sessions Judge has granted anticipatory bail to the accused No.2, who is the wife of the accused No.1. The learned Additional Sessions Judge taking into consideration the past criminal antecedents of the accused No.1 and the fact that for the

purpose of seizure of stolen property custodial interrogation is warranted, has rejected the bail application. The crime was registered on 11.04.2023. Perusal of the case diary would show that appropriate steps were not taken by the Investigating Officer for taking the investigation to the logical conclusion. The Investigating Officer has recorded the statements of two eye witnesses, who have stated that accused No.1 with other family members had taken away the goods and articles from the house of the informant. The deceased husband of the informant was the real brother of the accused No.1 and they are fighting for the property. If the property was stolen as stated by the informant then police by this time would have recovered the same. It is seen on perusal of station diary entry No.30/2023 that accused did not co-operate the police and did not provide proper information.

6. In my view, considering the nature of crime the custodial interrogation of the applicant/accused No.1 would be required. The accused No.1, as can be seen from the case diary did not cooperate the police.

7. In the facts and circumstances, I am of the view

that considering the nature of the crime and past criminal antecedents of the accused No.1/applicant, he is not entitled to get the anticipatory bail.

8. Accordingly, his anticipatory bail application is rejected.

9. The Application stands disposed of.

(G. A. SANAP, J.)