



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

CRIMINAL APPLICATION (ABA) NO.591 OF 2023

[Raj Nishad @ Satish Shitalprasad Nishad .V/s.. State of
Maharashtra.]

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

Court's or Judge's order

Mr N. A. Chawhan, Advocate for Applicant.
Ms M. A. Barabde, APP for Non-Applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11th DECEMBER, 2023.

. By this application, the applicant is seeking anticipatory bail in the event of his arrest in connection with Crime No.1165 of 2022 registered with Ballarshah Police Station, District Chandrapur for the offence punishable under Section 379 of the Indian Penal Code, 1860.

2. Heard Mr Chawhan, learned counsel for applicant who submitted that the applicant is apprehending arrest as the FIR is lodged against him on an allegation that he has sold the scrap of iron pipes to the scrap merchant. On the basis of said report, Police have registered the crime. He further submitted that as far as the stolen material is concerned which is already recovered and now nothing is to be recovered from the present applicant. He has already protected by granting of *ad interim* relief and he has cooperated with the Investigating Agency. In view of that, he prayed for confirmation of the protection.

3. The learned APP for State strongly opposed the application on the ground that after *ad interim* protection

granted, he has not cooperated with the investigation initially, therefore his custodial interrogation is required and hence, the application deserves to be rejected.

4. Perused the investigation papers and heard the submissions made by the learned counsels appearing for the parties. As far as the recitals of the FIR is concerned, which show that the stolen material is already recovered, the custodial interrogation of the present applicant is not required.

5. In view of that the *ad interim* relief granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

ORDER

- i) The criminal application is **allowed**.
 - ii) The interim protection granted to the applicant *vide* order dated 08.09.2023 is hereby confirmed with the same terms and conditions.
6. The pending criminal application(s), if any, stand(s) disposed of.

JUDGE