

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

CRIMINAL APPLICATION (ABA) NO.915/2022

Mohd. Salman Sheikh Bashir Vs. State of Maharashtra through PSO Hiwarkhed,
Dist. Amravati.

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

Court's or Judge's orders

Mr. M. N. Ali, Advocate for applicant.
Mr. A. M. Kadukar, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 6, 2023.

Heard learned counsel for the applicant.

2. The applicant is apprehending arrest in connection with Crime No.903/2022, registered with Police Station, Paratwada, District Amravati for an offence punishable under Section 379 of the Indian Penal Code.

3. Allegation is that the applicant and six other co-accused have committed theft of five bulls. First Information Report was registered against unknown persons.

4. Learned counsel for the applicant submits that the prosecution claims that during the course of interrogation, the three accused disclosed the names of applicant and three others. Three co-accused arrested have been released on bail. Other three co-accused, whose names were disclosed during interrogation, have been granted anticipatory bail. The

present applicant has been denied the benefit only on the ground that he has criminal antecedents.

5. Learned Additional Public Prosecutor submits that the applicant is facing five cases with similar allegations and therefore has opposed the application.

6. The prime question, however, is whether there is any material against the present applicant of having committed theft in question. The answer is, except for the disclosure of name of the applicant in interrogation by the co-accused, there is absolutely nothing against the applicant. None of the bulls were recovered at his instance. The evidence collected till now is not sufficient to show complicity of the applicant in the crime. The applicant, therefore, is entitled for grant of anticipatory bail.

ORDER

(i) The application is allowed.

(ii) Applicant-Mohd Salman Sheikh Bashir, be released on bail, in connection with Crime No.903/2022, registered with Police Station, Paratwada, District Amravati for an offence punishable under Section 379 of the Indian Penal Code, on he furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station, Paratwada, District Amravati once in a fortnight i.e. on every alternate Saturday, between 03:00 to 05:00 p.m., till filing of the charge-sheet.

- (iv) The applicant shall co-operate with the investigation and make himself available for interrogation, whenever required.
- (v) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the residence till the final disposal of the case.
- (vi) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- (vii) The applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Police.
- (viii) The applicant shall not leave the territory of Amravati District, without prior permission of the Court, till the trial is over.
- (ix) The applicant shall maintain law and order.
- (x) The applicant shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offence.
- (xi) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

(Anil L. Pansare, J.)

Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 07.01.2023
10:22