

(This Order is corrected as per speaking to minutes order dated 6th January 2025.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3480 OF 2024

Nasimuddin Nizamuddin Hafiz ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Vijaykumar V. Mane for the Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 20th DECEMBER 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0273 of 2024 dated 8th July 2024 registered at Chandwad Police Station, Dist. Nashik, for offences 103(1), 109, 132, 238, 324(4), 121(1), 121(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 183, 184, 134(A), 134(B), 177 and 79(1) of the Motor Vehicles Act, 1988.

3. The FIR was registered in respect of an incident that occurred just past midnight on 8th July 2024, when Police vehicle was chasing certain vehicles suspected to be transporting liquor illegally. One of the cars appears to have hit the Police vehicle because of which it fell into a field. The Constable driving the

Police vehicle was seriously injured and eventually he succumbed.

4. The learned counsel for the applicant submits that it is not even alleged that the applicant was in the vehicle that actually hit the Police vehicle and the only allegation against the applicant in terms of the supplementary statement recorded on 20th September 2024 appears to be that on 5th July 2024, he along with co-accused persons, had conspired to transport liquor illegally. In such a situation, it is submitted that the applicant cannot be held responsible for the unfortunate death of the Police Constable and since, the applicant is ready to cooperate with the investigation, this Court may allow the application.

5. On the other hand, the learned APP submitted that the applicant is found to have been involved in the conspiracy of illegally transporting liquor. It is submitted that he was in one of the cars that was being chased by the Police, on the date and time of the incident, wherein a Police Constable lost his life. On this basis, it is submitted that this Court may not show any indulgence to the applicant.

6. Having perused the statement leading to registration of the FIR, as well as the supplementary statements, including the supplementary statement dated 20th September 2024, this Court is of the opinion that the application deserves to be allowed. This is for the reason that it is not even alleged that the applicant was driving or travelling in the vehicle that hit the Police vehicle,

which eventually led to the death of the Police Constable. It is only alleged that the applicant was in one of the cars that were transporting liquor illegally. There is nothing to show that such allegedly illegally transported liquor was even recovered from the applicant. The supplementary statement recorded much later on 20th September 2024, simply records that the applicant along with co-accused person had conspired on 5th July 2024 to transport liquor illegally. Considering the aforesaid material, this Court is of the opinion that the applicant deserves to be granted relief of anticipatory bail, particularly when he has undertaken to cooperate with the investigation.

7. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0273 of 2024 dated 8th July 2024 registered at Chandwad Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 23rd December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

9. The application is disposed of.

MANISH PITALE, J.