



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

CRIMINAL APPLICATION (ABA) NO.40 OF 2024
(Shaikh Saleem Shaikh Jalil Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. G.R. Giripunje, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.757/2023 registered with Police Station Jalgaon Jamod, District Buldhana for the offence punishable under Section 420 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police, as crime is registered on an allegation that the complainant has obtained some gunny bags of the cement from the present applicant and on verification, it reveals that there is an adulteration in the said cement as well as the weight of the cement bag was also less. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned he is the dealer dealing with the said cement of Ultra Tech Company, he is not the manufacturer, therefore, as far as adulteration is concerned he is not concerned about it. He

submitted that as far as the weight is concerned he is only the dealer and delivered the stock to the customers. It is further submitted that considering the allegation, the dispute is of a civil nature. Hence, the custodial interrogation is not required and he be released on anticipatory bail.

4. Learned APP strongly opposed the application on the ground that with intent to dupe the informant, the present applicant has adulterated the cement as well as the weight of the cement is also less, therefore, his custodial interrogation is required and prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Considering the submissions made by both the sides and on perusal of the investigation papers, *prima facie* it appears that the dispute between the parties appears to be of a civil nature. Moreover, the offence alleged is punishable with less than seven years. In view of the guidelines issued by the Hon'ble Apex Court, the Investigating Officer has to verify whether the arrest of the present applicant is necessary. Considering that the applicant is already attending the police station and cooperating with the investigating agency, his custodial interrogation is not required. In view of that ad-interim protection granted to him deserves to be confirmed.

6. Hence, the application is allowed and the ad-interim protection granted to the present applicant

vide order dated 16/01/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*