



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

**CRIMINAL APPLICATION (ABA) NO.444 OF 2024**

Rohit s/o Hariprasad Pandey

Vs.

State of Maharashtra, Through Police Station, Kalamana, Nagpur,  
District Nagpur

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

Court's or Judge's orders

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Mr. Arjun Raoka, Counsel for the applicant.  
Ms. Sneha Dhote, APP for non-applicant /State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 06/09/2024**

1. Apprehending the arrest at the hands of police, in connection with Crime No.367/2024 registered at Police Station Kalamna, District Nagpur for the offences punishable under Sections 188, 328, 273, 272 read with Section 34 of the Indian Penal Code, 1860 and Section 59 of the Food Safety and Standards Act, 2006, the applicant approached this Court for grant of pre-arrest bail.

2. As per the allegations, the Police have arrested one Matin Sheikh and one Aslam Khan @ Ashraf Khan who were found in possession of the contraband articles. After the arrest of both accused persons, they disclosed that the prohibited articles are belonging to one Rohit Choudhari and accordingly, the police have lodged the FIR. As far as the present applicant is concerned, admittedly, his

name is not mentioned in the FIR. He submitted that moreover contraband articles are recovered. The name of the present applicant appears on the basis of the statement of the co-accused. Thus, considering the same, the custodial interrogation of the present applicant is not required and he has co-operated with the investigating agency, after he released on ad-interim anticipatory bail.

3. The learned APP strongly opposed the said application on the ground that the contraband articles are procured from the present applicant and therefore, his custodial interrogation is required, in view of that, the application deserves to be rejected.

4. Heard the learned Counsel for the applicant and learned APP for the State. On perusal of the investigation papers it reveals that misidentity involved. As far as present applicant is concerned, his name is not mentioned in the FIR. Moreover, he has co-operated during the investigation after he was released on ad-interim protection. Thus, the custodial interrogation is not required, in view of that, the interim protection granted to the present applicant by order dated 25.06.2024 is hereby confirmed with the similar terms and conditions:

a] The applicant shall attend the concerned Police Station as and when required for the

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investigation purpose and shall co-operate with the investigating agency.

5. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate