



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

CRIMINAL APPLICATION (ABA) NO.807 OF 2023

(Tasvar Khan Gulam Gaus Khan Vs. State of Maharashtra thr. its PSO PS Risod, Tq.
Risod, Dist. Washim)

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

Court's or Judge's orders.

Mr. Z. Z. Haq, Advocate for Applicant.
Ms. S. V. Kolhe, A.P.P. for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2024.

Apprehending arrest at the hands of police in connection with Crime No.580/2000 registered with Police Station Risod, District Washim for offence punishable under sections 399, 400 and 402 of the Indian Penal Code. The applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Uttam Namdevrao Gaikwad on an allegation that on 15.09.2023 when he was on patrolling duty, he suspected some persons and caught some persons and it revealed that they were preparing to commit the dacoity. It is alleged that the present applicant fled away from the spot of the incident at the relevant time.

3. Mr. Zishan Haq, learned counsel for the applicant submitted that as far as the present applicant is concerned

no role attributed to him and he was not present at the spot of the incident, he is implicated falsely only because his sister has lodged report against the informant. He submitted that even assuming the allegation as it is his custodial interrogation is not required. The alleged weapons are already seized. In view of that, the interim protection granted to the applicant deserves to be confirmed.

4. Learned A.P.P. strongly opposed the said application on the ground that there are criminal antecedents against the applicant. The applicant fled away from the spot of the incident. His custodial interrogation is required and prays for rejection of the application.

5. Having heard learned counsel for the parties, perused the recitals of the FIR as well as the previous complaint lodged by the sister of the present applicant. From the investigation papers it reveals that the statement of the police officials are recorded from which it reveals that from the spot of incident the weapons are recovered. As far as present applicant is concerned, as per the allegations the applicant fled away from the spot of incident. Thus, presence of the present applicant was not noted by the Investigating Agency. Considering that nothing is to be recovered from the present applicant, his custodial interrogation is not required. Learned A.P.P. pointed out that there are criminal antecedents against the present applicant. Mere fact that the criminal antecedents of the applicant are not sufficient to deny the bail to the present

applicant. Considering the investigation papers and the material collected during the investigation by the Investigating Officer, the interim protection granted to the present applicant deserves to be confirmed by imposing certain conditions. Accordingly, I proceed to pass following order:

- [i] In the event of the arrest the applicant – Tasvar Khan Gulam Gaus Khan in connection Crime No.580/2023 registered with Police Station Risod, District Washim for offence punishable under sections 399, 400 and 402 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- [ii] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10:00 a.m. and 01:00 p.m. till filing of the charge-sheet and shall co-operate with the Investigating Agency.
- [iii] The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the case.

[iv] The applicant shall furnish his Cell phone number and address with address proof to the concerned Investigating Officer.

6. In contravention of any of the condition the bail granted to the present applicant deserves to be cancelled.

7. The application is disposed of.

JUDGE