



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 ANTICIPATORY BAIL APPLICATION NO. 257 OF 2024

SHAIKH AHMED NAZEERSAB

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Ravindra Vitthal Gore

APP for Respondent/State: Mr. V. S. Badakh

Advocate for Respondent No.3 : Mr. Anand P. Bhandari

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 15.01.2025

P.C. :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.3.

2. The applicant is apprehending arrest in connection with Crime No.0014/2024, dated 12.01.2024, registered at Chandanzira Police Station, District Jalna, for the offences punishable under Sections 406 and 408 of the IPC.

3. This court has granted interim protection to the applicant by order dated 22.02.2024.

It is the case against the applicant that gold of 280 Gram was initially given to the applicant to distribute amongst the vendors, who achieve certain sales targets. It is further stated in the complaint that about 121 Gram gold

remained in the custody of the applicant and that he has not returned the gold to the Company. As such, offence is registered against the applicant under the aforementioned sections.

After the interim protection is granted, further investigation in the matter is conducted and the charge-sheet is filed. The statement of the applicant is also recorded by the police.

4. The learned counsel for respondent no.3 / complainant submits that the applicant is in custody of 121 Gram gold. His statement is recorded by the police in which he has admitted that he is in possession of 120 Gram of gold but is withholding the same on account of his outstanding dues. However, the statement made by the accused in custody cannot be used against the accused. The police were at liberty while investigating to recover the gold if it was available with the applicant. There is no recovery made by the police from the applicant.

5. Prima facie, it appears that there is dispute between the applicant and the owner of the company. This court after having granted interim protection investigation in the matter is carried out and that charge-sheet in the matter is filed. So far no recovery is made from the applicant, thus, the interim protection granted needs to be confirmed.

6. In view of the above, the interim protection granted by order dated 22.02.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE