



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

CRIMINAL APPLICATION (ABA) NO. 163 OF 2025

Imtiyaz Khan Ajab Khan 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. M.N.Ali, counsel for applicant.

Mrs. S.S.Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2025.

1. The application for grant of pre-arrest bail in connection with Crime No.383/2024 registered with Police Station Bitargaon, District Yavatmal for the offences punishable under Sections 273, 274, 275, 123, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2), 27(3), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

2. Heard learned counsel for the applicant, who submitted that the involvement of the present applicant is only on the basis of the statement of the co-accused, in whose possession the contraband articles were seized by the investigating agency by intercepting his vehicle. Thus, as far as the involvement of the present applicant is concerned, it is only on the basis of the statement of the co-accused. He submitted that the applicant is protected by granting ad-interim protection. He has cooperated with

the investigating agency, and there is no allegation that he has misused his liberty.

3. Learned APP strongly opposed the application and submitted that, considering the huge contraband articles seized at the instance of the co-accused, the custodial interrogation of the present applicant is required. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that the involvement of the present applicant is on the basis of the statement of the co-accused, and considering the fact that the applicant has cooperated with the investigating agency and not misused the liberty. The interim protection granted to the present applicant on 11/03/2025 deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] The interim protection granted to the present applicant - **Imtiyaz Khan Ajab Khan** in connection with Crime No.383/2024 registered with Police Station Bitargaon, District Yavatmal for the offences punishable under Sections 273, 274, 275, 123, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2), 27(3), 30(2)(a) and 59 of the

Food Safety and Standards Act, 2006, is hereby confirmed subject to the condition that he shall attend the concerned police station once in a week on every Monday between 10.00 AM to 1.00 PM till filing of the charge-sheet and shall cooperate with the investigating agency.

- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- d] The applicant shall not indulge himself in similar type of the activities and if a single incident report, the bail granted to the present applicant deserves to be cancelled.

5. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]