



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

CRIMINAL APPLICATION (BA) NO. 524 OF 2025

Sheikh Tausif Sheikh Nasir Vs The 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. Mohd Naveed Opai, counsel for applicant.
Ms. Ritu Sharma, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/05/2025.

1. The applicant came to be arrested on 17/03/2025 in connection with Crime No. 205/2025 registered with Police Station Lakadganj, District Nagpur for the offence punishable under Sections 309(6), 310(2), 61(2) read with Section 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Sheikh Muzffar Sheikh Ibrahim, on an allegation that he is running a scrap shop and dealing with the business of scrap material. On 12/03/2025, when he was proceeding along with some cash along at that time, three persons approached him from the backside, and they were having chilly powder. One person out of them has thrown the chilly powder in his eyes, and the other two persons have snatched the amount. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that as far as the present applicant is concerned, there is no allegation that he was involved in the said crime, nothing is to be recovered from him. The investigation papers, specifically the report of the investigating officer itself shows that the amount of Rs. 6,00,000/- is to be recovered from the other co-accused. As far as the present applicant is concerned, the observation of the trial Court is that the allegation is not substantiated and not acceptable, as the investigation papers itself shows that the amount is to be seized from one Sameer.

Learned counsel for the applicant further submitted that, now the marriage of his sister is scheduled on 07/05/2025, he has been behind bar from last two months, and further incarceration is not required, as nothing is to be recovered from him. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the said application and submitted that, during the investigation, the investigating officer collected the CCTV footage, wherein three persons are seen and approaching the informant, and they have committed the robbery by restraining the informant on the road. The statements of the witness also disclose that three persons came there and they have snatched the bag of money from the informant. As far as the present applicant is concerned,

the CDR report shows the communication between the present applicant and the other co-accused. Thus, his connection with the other co-accused is also revealed from the investigation papers.

Learned APP also invited my attention towards the discovery panchanama, which shows that at the instance of the present applicant, an amount of Rs. 50,000/- is received. One mobile phone of the co-accused is also found at the spot of incidence. Thus, considering the prima-facie material, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals when the informant was proceeding along with some amount to make the payment, at that time, three persons restrained him and committed a robbery by snatching the said bag, which had an amount of Rs. 11,40,700/-. During the investigation, the amount of Rs. 50,000/- was already recovered from the present applicant. The CCTV footage also shows that three persons approached the informant. The test identification parade is yet to be held. The eyewitnesses are also there, who have seen some persons approaching the informant and snatching the bag.

6. Considering the CDR reports and recovery of the amount at the instance of the present applicant and the statements of the witnesses, and the test

identification parade is yet to be held. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]