



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

CRIMINAL APPLICATION (ABA) NO.846 OF 2024

Shakir Ahmed Salim Chaneja

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Kalamna Nagpur District Nagpur

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

Court's or Judge's orders

Mr. MD Parvez Opai, Counsel for the applicant.

Mr. V. A. Thakre, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/02/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.738/2024 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 306, 316(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Jitendra Pundlik Padole who is the owner of truck bearing No. MH-36-F-1600. As per the allegation in the said FIR, he is the owner of the said truck and his truck was stolen by some unknown persons. The suspicion was raised against the driver Kartik Haribhauji Bhole. During the investigation, it reveals that the truck's parts were dismantled and in

two parts the said truck was sold out. The present applicant has sold out the said truck to one Sayed. During the investigation, it further reveals that the theft of the vehicle was revealed from the fastag which was affixed on the cabin of the said vehicle. On the basis of the said report and investigation, the police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that the name of the present applicant is not mentioned in the FIR. The present applicant has not sold the vehicle. He is not at all involved in the said crime. There is no material against the present applicant to show his involvement. Merely on the basis of the statement of the co-accused, he is arraigned as an accused. Thus, considering the same, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the statements of the witnesses from which it reveals that the present applicant has stolen the said truck and sold it to the Sayed. The statement of Vinod discloses the involvement of the present applicant as well as the statement of Pravin Sukhdev Mankar also shows the involvement of the present applicant in the alleged offence. The statement of Pravin Sukhdev Mankar further discloses that the theft of the truck revealed from the fastag. Thus, from the

investigation, the involvement of the present applicant is revealed. The statement of the present applicant is also recorded by the investigation agency. Considering the *prima facie* case made out against the present applicant, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)