

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CRIMINAL APPLICATION (ABA) NO. 344 OF 2026

Rizwanoddin alias Rijju s/o Islamoddin Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.B. Mirza, counsel for applicant.
 Mr. S.B.Bissa, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 05/05/2026

1. Heard.
2. Apprehending arrest in connection with Crime No. 185/2026 dated 27/02/2026 registered with Police Station Hiwarkhed, Tah. Telhara, District Akola, for the offence punishable under Section 3(5) and 316(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.
3. The informant is one Haridas Digamber Mhasay. In all, three accused persons are named in the FIR.
4. In short, it is the case of the informant that he used to send his cattle for grazing, for which the accused named in the FIR would charge Rs. 200/- per month. As there was a shortage of cattle fodder, the informant used to send the cattle for grazing. The informant then alleged that other villagers also had given their cattle for grazing to the accused named in the FIR. According to the FIR, the accused persons did not bring back the cattle and, therefore, the FIR was lodged against the accused named in the FIR alleging that they have committed criminal

breach of trust.

5. The learned counsel for the applicant has argued that applicant was not named in the FIR and is merely a purchaser of the cattle. According to him, at the most, the applicant could be prosecuted for the offence of receiving the stolen property and not under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023. It is further submitted that the accused named in the FIR have already been arrested and released on bail.

6. Per contra, the learned APP has strongly opposed bail application and has contended that applicant has criminal antecedents. It is further submitted that role of the present applicant needs to be investigated.

7. With the assistance of the respective counsels, I have gone through the record of the case. The FIR specifically states that the villagers had handed over their cattle to the accused named in the FIR for grazing, and the accused named in the FIR did not bring the cattle back. The applicant is the purchaser of the stolen property. It is not even the case of investigating agency that, it was by hatching a criminal conspiracy with the accused named in the FIR, the applicant had taken the cattle under grab of providing food/for grazing and thereafter purchased them. Though there is criminal case registered against the present applicant, what will have to be seen is the allegations in the FIR, and thereafter, the fact of registration of the criminal case. As the involvement of the applicant is not prima-facie made out in the report, the

following order is passed.

ORDER

- a] The criminal application is **allowed**.
- b] In the event of arrest in connection with Crime No. 185/2026 dated 27/02/2026 registered with Police Station Hiwarkhed, Tah. Telhara, District Akola for the offence punishable under Section 3(5) and 316(2) of the Bharatiya Nyaya Sanhita, 2023, applicant namely – **Rizwanoddin alias Rijju s/o Islamoddin** shall be released on bail on furnishing a PR bond of Rs. 55,000/- [Fifty Five Thousand only] with one solvent surety each in the like amount.
- c] The applicant shall attend the concerned Police Station on 09th and 10th May 2026 between 03.00 p.m. to 06.00 p.m. and thereafter as and when called.
- d] The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.
- e] The applicant shall not leave India without prior permission of this Court.

(RAJNISH R. VYAS, J.)