

Rohit S/O Hariprasad Pandey vs The State Of Maharashtra Through Ps ... on 25 June, 2024

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

CRIMINAL APPLICATION (ABA) NO. 444 OF 2024
Rohit s/o Hariprasad Pandey V/s 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. S.K. Kungwani, counsel for the applicant.
Mr. Ganesh Umale, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 367/2024 registered at Police Station Kalamna, District Nagpur for the offence punishable under Sections 188, 328, 273, 272 read with Section 34 of the Indian Penal Code, 1860 and Section 59 of the Food Safety and Standard Act, 2006, the applicant approached this Court for grant of pre-arrest bail.

2. It is alleged that on 03/05/2024, the Police have arrested Shri Matin Sheikh and one Aslam Khan @ Ashraf Khan who was found in possession of the contraband articles. After the arrest of both accused persons, they disclosed that the prohibited articles are belonging to one Rohit Choudhari and accordingly, the police have lodged the FIR. As far as the present applicant is concerned, his name is not mentioned in the FIR. It is submitted by the learned counsel for the applicant that, merely on the basis of statement of the co-accused, the present applicant is shown rkn 2 13aba444.2024.odt to be involved in the present crime. In fact, they have stated the name of one Rohit Choudhari, and present applicant is Rohit Pandey. The applicant has not played any role in the said FIR, he is not concerned with the alleged offence. As far as the goods are concerned, which are seized from the co-accused. In view of that, he be protected by granting ad- interim anticipatory bail.

3. The learned APP strongly opposed the said application on the ground that the applicant is the owner of the said Godown, wherein the contraband articles were found. Thus, his custodial interrogation of the present applicant is required. In view of that, the prayer of grant of ad-interim protection deserves to be rejected.

4. On perusal of the FIR, it reveals that the said Godown appears to be owned by Rohit Choudhari, as far as the present applicant is concerned, his name is not mentioned in the FIR. At this stage,

there is no material on record to show that the present applicant is the owner of the said Godown. Considering that the entire contraband articles are already seized, the name of the present applicant is not mentioned in the FIR. In view of that, he be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order:

a] Issue notice to the non-applicant, returnable after two weeks.

rkn 3 13aba444.2024.odt b] Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/State and seeks time to file reply.

c] In the event of arrest, in connection with Crime No. 367/2024 registered at Police Station Kalamna, District Nagpur for the offence punishable under Sections 188, 328, 273, 272 read with Section 34 of the Indian Penal Code, 1860 and Section 59 of the Food Safety and Standard Act, 2006, the applicant - Rohit Hariprasad Pandey, shall be released on ad- interim anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

d] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall co-operate with the investigating agency.

e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

[URMILA JOSHI-PHALKE, J.] Signed by: Mr. R.K. NANDURKAR rkn Designation: PA To Honourable Judge Date: 27/06/2024 15:05:19