

Mohammad Shahzad @ Atik Ansari Mohammad ... vs The State Of Mah. Thr. Ps Wadi Nagpur on 26 July, 2024

2024:BHC-NAG:8097

18.aba.338.24.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.338 OF 2024
(Mohammad Shahzad @ Atik Ansari Mohammad Saeed & anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Court's or Judge's
Coram, appearances, Court's Orders
or directions and Registrar's order

Mr. Sk. Sabahat Ullah, Advocate for the applicants.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 26, 2024.

Heard.

2. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.140 of 2024, registered with Wadi Police Station, District Nagpur, for the offences punishable under Sections 380, 457, 406, 120-B and 188 read with Section 34 of the Indian Penal Code, 1860 and under Section 60 of the Food Safety and Standards Act, 2006.

3. Learned Counsel for the applicants submitted that the accusation against the present applicants is on the basis of report lodged by Lalit Prabhudas Soyam on an allegation that the raid was conducted and 690 betel nuts sacks were seized. Thereafter the theft of 506 sacks of betel nuts was committed by the present applicants and the other co-accused.

4. The names of the present applicants are not mentioned in the FIR however it reveals from the confessional statement of the co-accused. Thus, merely on the basis of the confessional statement they were implicated in the above said crime. He submitted that they have cooperated with the investigating agency and attended the police station. In view of that, the interim protection granted to the present applicants deserves to be confirmed.

5. Learned APP strongly opposed the application on the ground that applicant No.2 has not attended the concerned police station and not cooperated with the investigating agency. The vehicle

is yet to be seized. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers. Admittedly, the names of the applicants are revealed on the basis of the statement of the co-accused. They were not caught at the spot or nothing is recovered from them. They are not the owner of the vehicle also. Thus, considering the same, nothing is to be recovered from them. In view of that, the interim protection granted to the applicants deserves to be confirmed.

7. Hence, the application is allowed. The interim protection granted to the applicants vide order dated 17/05/2024 is hereby confirmed on the same terms and conditions. The applicants shall attend the concerned police station on every Saturday between 01:00 p.m. to 02:00 p.m. till filing of the charge-sheet and they shall co-operate in the investigation.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.) *Divya