

Rama @ Namdeo S/O Laxman Shewale vs State Of Mah. Thr. P.S.O. P.S. Khadan, ... on 16 November, 2021

Author: Vinay Joshi

Bench: V. G. Joshi

Order

1611aba

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

CRIMINAL APPLICATION [ABA] NO. 770/2021.

Rama @ Namdeo Laxman Shewale

-Versus-

State of Maharashtra, through Khadan Police Station, Akola.

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

Court's or Judge's

Shri S.A. Mohta, Advocate for the Applicant.
Shri H.D. Dubey, A.P.P. for the Non-applicant

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 16, 2021 Heard.

2. In anticipation of arrest in connection with Crime No.1079/2021 registered with Khadan Police Station, Akola for the offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code and Sections 26[2][iv], 59 and 27[2][e] of the Food Safety and Standard Act, the applicant is seeking pre-arrest protection. The learned Counsel for the applicant also prayed for interim protection.

3. It is submitted that the applicant is no way concerned with the alleged contraband articles.

4. Perusal of the first information report Order 1611aba770.21 indicates that in receipt of secret information, the police raided the godown and found stock of contraband material. Co-accused in the matter has stated that the contraband articles are owned by the applicant. The said statement is categorically denied by the applicant. It reveals from the impugned order that the trial Court while rejecting the bail application has primely considered that similar crime was registered against the applicant bearing Crime No.84/2021. At this juncture, the learned Counsel for the applicant made a statement that the said crime registered with Khadan Police Station was relating to Maharashtra

Prevention of Gambling Act, against some third person. Moreover, it is brought to the notice of this Court that in the trial Court there was interim protection, and it was extended for one week, even after rejection of the bail.

5. Having regard to these facts, it is necessary to go through the entire material, and till that time applicants liberty can be protected, hence, the following order.

(i) Issue notice to the non-applicant, returnable 07.12.2021. Learned A.P.P. waives notice for the non-applicant.

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(ii) In the meantime, in the event of arrest of

the applicant/accused Rama @ Namdeo Laxman Shewale in connection with Crime No.1079/2021 registered with Khadan Police Station, Akola for the offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code and Sections 26[2][iv], 59 and 27[2][e] of the Food Safety and Standard Act, he be released on interim bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety in the like amount.

(iii) The applicant/accused to attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m.

(iv) The applicant/accused shall not tamper with the prosecution evidence in any manner.

JUDGE Rgd.

RAKESH by RAKESH

GANESHLAL DHURIYA
DHURIYA Date: 2021.11.16
15:30:57 +0530