

Sachin S/O Nanaji Lekkalwar vs The State Of Maharashtra Thr. Pso Mul Ps ... on 30 July, 2024

2024:BHC-NAG:8185

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

CRIMINAL APPLICATION (ABA) NO. 419 OF 2024

Sachin s/o Nanaji Lekkalwar. Vs State of Maharashtra
Office Notes, Office Memoranda of Court's or Judge's Order
Coram, appearances, Court's Orders
or directions and Registrar's order

Mr. S.A. Mohta, counsel for the applicant.

Ms. Soniya Thakur, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/07/2024.

1. By this application, the applicant is seeking pre- arrest bail, as he is apprehending arrest at the hands of police, in connection with Crime No.204/2024 registered with Police Station Mul, District Chandrapur for the offences punishable under Sections 188, 273 and 328 of the Indian Penal Code, 1860 and Sections 26(2)(iv), 3, 30(2)(a), 4 and 59(i) of the Food Safety and Standards Act, 2006.

2. Learned Counsel for the applicant submitted that the accusation against the present applicant is on the basis of a report lodged by Kishor Damodhar Vairagade alleging that during patrolling duty, they received the secret information, and on the basis of said information, they conducted the raid in the shop of the co-accused, and during the said raid, the contraband articles, i.e. scented nuts, were found worth of Rs.21,340/-. As far as the present applicant is concerned, his name is not mentioned in the FIR, and merely from the statement of the co-accused, he is shown as an accused. He submitted that, after the interim protection rkn 2 22aba419.2024.odt was granted to the present applicant, he had cooperated with the investigating agency. As far as the contention of the learned APP is concerned, that he is a wholesaler. There is no material collected by the investigating agency to substantiate the same.

3. Learned APP strongly opposed the said application on the ground that scented nuts which are found in the possession of the co-accused are supplied by the present applicant. In view of that, the custodial interrogation of the applicant is required.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the

investigation papers, from which it reveals that the name of the present applicant is involved, on the basis of the statement of the co-accused. As far as the contention of the learned APP that the present applicant is a wholesaler, no evidence is collected by the investigating agency to show that the present applicant is the wholesaler.

5. Thus, considering that the involvement of the present applicant is merely on the basis of the statement of the co-accused and there is no complaint that he has not cooperated with the investigating agency after he is protected by granting ad-interim protection. Hence, the criminal application deserves to be allowed. Accordingly, I proceed to pass the following order;

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a) The interim protection granted to the present applicant by order dated 18/06/2024 is hereby confirmed with similar terms and conditions.

b) The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.] Signed by: Mr. R.K. NANDURKAR rkn Designation: PA To Honourable Judge Date: 31/07/2024 18:56:18