

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

**CRIMINAL APPLICATION (ABA) NO.97 OF 2023**

Mohd. Zain s/o Arif Rangoonwala

Vs.

State of Maharashtra, through PSO, PS Sadar, Nagpur.

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

Court's or Judge's orders.

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Shri A.A. Gupta, Advocate for applicant.

Shri S.M. Ghodeswar, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATE : JUNE 21, 2023.**

Present application is for pre-arrest bail in Crime No.43/2023 registered with Police Station, Sadar, Nagpur under Sections 327, 363, 504, 506 of the Indian Penal code and under Sections 3 and 24 of the Arms Act.

2. The applicant is apprehending arrest at the hands of Police as Sidharth Sanjay Trivedi has lodged report on an allegation that he is acquainted with present applicant Mohd. Zain Arif Rangoonwala as they were classmate and there was friendship between them. In January 2020, the applicant has obtained Rs.1,00,000/- from him on a condition that he will repay the same within two months. However, he has not repaid the same. Though informant has repeatedly demanded the amount but for one or other reason the present applicant avoided to repay the amount. On 25.06.2022 at about 5 pm, he had been in the premises of VCA ground, at the relevant time, the present applicant

came there therefore the informant has demanded money from him however he has pointed out the piston towards him and assaulted him. It is further alleged that the present applicant insisted him to sit in the vehicle forcibly and took him at some distance and there assaulted him. On the basis of said report, the police registered offence against the present applicant.

3. As per the contention of the applicant, the allegations, *prima facie*, are false as the vehicle number mentioned by the informant was not in Nagpur, at the relevant time, it was at 350 kms from Nagpur. He further contended that the FIR is lodged after 5 to 7 months after the alleged incident and no explanation putforth for the delayed FIR. Even the affidavit of the investigating officer shows that the mobile location of the present applicant was not at the spot i.e. near VCA ground. These all the facts are sufficient to show the false implication of the present applicant in the alleged offence.

4. The application has strongly opposed by the State on the ground that the physical custody of the present applicant is required as the gold ornament i.e. ring, piston and amount of Rs.25,000/- are to be seized from the present applicant. There is a *prima facie* material to show the involvement of the present applicant. If the applicant is released on bail, he would tamper the prosecution evidence and prays for rejection of the bail.

5. Heard learned counsel for the applicant. He reiterated the contention and invited my attention towards the recitals of the FIR. Though alleged incident has taken place on 25.06.2022, the FIR is lodged on 23.01.2023 i.e. after more than six months and no explanation is putforth by the informant for said delay in FIR. He further invited my attention towards the affidavit of the investigating officer, which shows that at the relevant time the mobile location of the present applicant was not shown near the VCA ground but on a different location. Said mobile location is verified by the investigating officer and mentioned in the affidavit that though it is verified that mobile is showing at different location however same cannot be conclusive proof to ascertain that the applicant was not on the spot.

6. Considering the allegations and the facts that the FIR is rather late and no explanation is putforth. Moreover, *prima facie*, location of the present applicant was also not shown to be at the spot of incident, shows that there is no prima facie material against the present applicant to connect him with the alleged offence however considering that there is serious allegation that the present applicant was possessing the weapon like piston as well as he has snatched one gold ring and amount of Rs.25,000/- from the informant. The bail application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

**ORDER**

- i. The application allowed.
- ii. In the event of arrest, applicant - Mohd. Zain s/o Arif Rangoonwala in connection of Crime No.43/2023 registered with Police Station, Sadar, Nagpur under Sections 327, 363, 504, 506 of the Indian Penal code and Sections 3 and 24 of the Arms Act, be released on bail on he executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- iii. The applicant shall attend Police Station, Sadar, Nagpur once in a week on Monday between 10.00 a.m. to 1.00 p.m., till charge-sheet is filed.
- iv. The applicant shall furnish his cellphone number and address with the address proof. The applicant shall furnish the names of his two nearest relatives alongwith their cellphone numbers and address proof.
- v. The applicant shall not induce, threaten or pressurize any witness, who are connected with the alleged crime.

With this, the application is disposed of.

**JUDGE**

*Wagh*