



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

CRIMINAL APPLICATION (ABA) NO. 490 OF 2026
(Rakeshkumar Bhimsen Tiwari V/s State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. F. T. Mirza, Senior Advocate a/by Mr. A. S. Shukla, Advocate for Applicant.
Mr. A. M. Ghogre, APP for Respondent/State.

CORAM : PRAVIN S. PATIL, J.
DATE : JUNE 12, 2026.

- . Heard.
2. Issue notice to the Respondent, returnable after three weeks.
 3. Mr. Ghogre, the learned APP waives service of notice on behalf of the Respondent/State.
 4. The Applicant prayed for ad interim protection in Crime No. 240/2026 registered with Police Station, Morshi, District Amravati for the offence punishable under Sections 140(2), 308(5), 336(3) and 61(2) of Bhartiya Nyay Sanhita, 2023, during the pendency of present Application.
 5. It is the submission of the Applicant that there is a group of persons who are dealing with sale-purchase business of scrap materials. According to the Applicant, after delivery of such scrap from one person to another, there are regular transaction

between them, and accordingly, this group is running the business since long. The present matter is arising out of one of the transaction of business group. However, same is coloured in different manner by the Applicant. The Applicant, to substantiate his submission, has placed on record the relevant documents. Hence, at this stage, Applicant has made out prima facie case for interim protection.

6. It would be relevant to refer the recent view recorded by this Court in the case of *Ajay Prakashchand Agrawal V/s State of Maharashtra and Ors. in Writ Petition No. 1703/2026*, wherein this Division Bench of this Court has insisted that the Police Authority, while issuing notice to the person against whom the complaint has been made, copy of complaint should also be enclosed so that the person who has to appear before the Authority would know the reason mentioned in the complaint or gist of the allegations levelled against him in the matter. Admittedly it is clear that while registering the offence on 27/4/2026 no such notice has been issued to the Applicant in the matter.

7. In the circumstances, Applicant had made out a case for interim protection, and accordingly, following order is passed.

ORDER

1. In the event of arrest in Crime No. 240/2026 registered with Police Station, Morshi, District Amravati for the offence

punishable under Sections 140(2), 308(5), 336(3) and 61(2) of Bhartiya Nyay Sanhita, 2023, the Applicant – Rakeshkumar Bhimsen Tiwari be released on furnishing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

2. The Applicant shall attend the Police Station, Morshi on Monday and Saturday of every week in between 3.00 p.m. to 5.00 p.m. till next date of hearing in the matter.
3. The Applicant shall co-operate the investigation agency in the investigation.
4. The Applicant shall furnish his address and telephone/mobile number(s) to the Investigating Officer. He shall not change the same without permission of the Court.
5. The Applicant shall not tamper with the investigation so far collected by the prosecution.

[PRAVIN S. PATIL, J.]