

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3037 OF 2015**[Rameshchand Raghunath Mehata Vs The 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

Shri V.J.Dixit, Senior Advocate i/b
Shri B.S.Bhale and P.B.Waghmare, advocates for applicant
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 10th July, 2015****PER COURT :-**

1] This is an application for anticipatory bail, in connection with Crime No. 45 of 2015, for the offences punishable under Sections 277, 278, 284, 308, 336 r/w 34 of the Indian Penal Code, registered with MIDC Police Station, District Aurangabad.

2] I have heard Shri V.J.Dixit, learned Senior counsel with S/Shri B.S.Bhale and P.B.Waghmare, advocates for the applicant.

3] The present applicant was protected by this court on 17.6.2015. Before the protection was granted in favour of the present applicant by this court, learned trial court also had granted protection to the present applicant.

4] It is not the case of the prosecution that, the liberty, granted to the present applicant by the learned trial court as well as this court, was at any time misused by the present applicant. On the contrary, learned Additional Public Prosecutor Shri V.H.Dighe, upon instructions, specifically made a statement that the present applicant has attended

the investigating officer and he was interrogated also.

5] The prosecution is also not disputing the factum that the present applicant is suffering from ailment and for considerable period he was admitted in the hospital.

6] The present case relates to discharging of hazardous material in a river known as 'Kham'. The investigating officer has already completed the investigation and charge sheet is filed. This court has already released two persons on regular bail looking to the factum of filing of charge sheet.

7] In so far as present applicant is concerned, learned Additional Public Prosecutor submits that the investigation vis-a-vis the present applicant is not complete, though he was interrogated on certain dates.

8] Looking to the fact that the prosecution is not disputing about the illhealth of the present applicant and his admission in the hospital and also the fact that he is a person of advanced age, investigation is complete and charge sheet is also filed and present applicant has also attended the investigating officer and has extended full cooperation to the investigating officer, in my opinion, this is a fit case wherein the court should exercise discretion in favour of such an advanced aged infirm person, however, at the same time, interest of the prosecution can be secured by directing the applicant to attend the police station. That leads me to pass the following order.

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - Rameshchand Raghunath Mehata, in the event of his arrest by police station MIDC Waluj, District Aurangabad, in connection with Crime No. 45 of 2015, for the offences punishable under Sections 277, 278, 284, 308, 336 r/w 34 of the Indian Penal Code, registered

with MIDC Police Station, District Aurangabad, be released on anticipatory bail on he executing P.R.bond in the sum of Rs.75,000/- with two solvent sureties in the like amount.

(iii) Applicant-Rameshchand shall attend police station MIDC Waluj, District Aurangabad once in a week, preferably on every Saturday, between 2.00 p.m. to 5.00 p.m. till the charge sheet is filed.

(iv) That the applicant shall not leave country without prior permission from the court.

(v) The applicant shall not try to influence the prosecution witnesses.

(vi) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3037.15