

Sandeep Amarbahadur Singh ...Applicant
vs.
State of Maharashtra ...Respondent

2. For the reasons recorded in the order dated 08-01-2015 an ad-interim direction in terms of Section 438 of Code of Criminal Procedure has been passed in favour of the applicant.

3. After perusal of the reply filed by the prosecution in response to the notice, it was noted that the matters therein are vague and furthermore upon query learned APP was not able to pinpoint the material even from the papers of investigation amounting the applicant having indulged in any activity of extorting money.

4. The learned APP was not able to show any material other than vague accusation of few persons regarding the applicant along with his associates collected the amounts by way of "Vargani". The perusal of the F.I.R. does not reveal that the applicant had assaulted anybody. On the contrary, the counter F.I.R. and papers from Bhagwati hospital, Borivali tendered by learned counsel for the applicant reveals that at about 1.10 pm the applicant was at the said hospital admitting the first informant in counter F.I.R. namely Dipak Pande.

5. In the said state of affairs, it is difficult to perceive that case is made by the prosecution of custodial interrogation of the applicant being necessary for completion of the investigation in the crime.

6. Having regard to it, ad-interim direction given deserves to be and accordingly stands confirmed on earlier terms and conditions. However, now the applicant shall attend the investigating officer as ordered earlier for a period of four weeks and thereafter only on every Monday and any other day for which he would be specifically summoned by the investigating officer.

Application stands disposed of.

(P.D. KODE, J.)