

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

Criminal Application [ABA] No.11 of 2015

(Mahendra Radhaelal Kurahe

vs.

The State of Maharashtra, through P.S.O., Salekasa, District Gondia)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : JANUARY 28, 2015.

Heard Mr. S.G. Karmarkar, the learned Counsel for the applicant.

The applicant is before this Court apprehending his arrest in connection with Crime No.122/2014, registered at Salekasa Police Station, District Gondia for the offences punishable under Sections 452, 326, 143, 147, 148 and 149 of the Indian Penal Code.

The learned Counsel for the applicant, by inviting my attention to the report lodged at the instance of one Fulchand Dekate, submits that the allegation against the applicant is, the applicant along with other accused armed with sticks entered in the house of the complainant-Fulchand and assaulted the wife of Fulchand namely Pramilabai. He further submits that the report was lodged at Salekasa Police Station at about 07:30 p.m. He then submits that the report against the

applicant is nothing but a counter-blast to the report lodged by one Sou. Tileshwari Machhirke. By inviting my attention to the report of Tileshwari, which is placed on record at Annexure-II, the learned Counsel submits that Tileshwari alleged that one Lekchand entered in the shop and on the ground of non-availability of some material in the shop, he misbehaved with Tileshwari. The learned Counsel then submits that the applicant, who is protected by an ad-interim order of this Court, extended his co-operation to the investigation agency and complied with the conditions. He further submits that one stick is also handed over to the investigating agency by the applicant. He further submits that in view of this fact, there is no requirement of the custodial interrogation of the applicant.

Mr. S.B. Ahirkar, the learned A.P.P. opposes the application.

On perusal of the reply filed by the State, it reveals that the application is opposed on the ground that the applicant may create hindrance in the investigation and also may create law and order problem in the village. Considering the fact that the alleged incriminating material i.e. stick, is already handed over by the applicant himself to the investigating agency, the reply is silent of any incriminating evidence against the applicant.

In view of this fact, the ground raised by the State that the applicant is likely to create law and order problem in the village is unjustifiable. The learned Counsel for the applicant has made out the case.

In the result, the application is allowed. The interim protection granted to the applicant by order of this Court dated 14/01/2015 is confirmed with conditions that the applicant to attend Salekasa Police Station, District Gondia on every second and fourth Sunday between 09:00 a.m. to 12:00 p.m. and maintain a dairy of his attendance duly countersigned by the Police Station Officer till filing of the Charge-sheet.

The application is disposed of as such.

JUDGE

**sdw*