

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

Criminal Application (ABA) No.61/2015
 Pritish Eknath Ramteke Vs. State of Mah.

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

Court's or Judge's
Orders.

Shri A.R. Wagh, Advocate for the applicant.
 Shri Khan, APP for the non-applicant/State.

CORAM : PRASANNA B.VARALE, J.
DATE : FEBRUARY 24, 2015.

Heard Shri Wagh, the learned counsel, for the applicant.

The applicant is before this Court apprehending his arrest in connection with Crime No.25/2015 registered at Warora Police Station for the offence punishable under Section 354 (A) (1) of the I.P. Code. The applicant was protected by an interim order of this Court on 9th of February, 2015. The learned Counsel Shri Wagh reiterated the submission, firstly which are referred to in the order dated 9th February, 2015. He further submits that the applicant extended his cooperation to the Investigating Officer and complied with the directions of this Court of the order dated 9th February, 2015.

The learned APP Shri Khan opposing the application and placed reliance on the reply filed by the State. Shri Khan submits that in the process of investigation, statement of one eye witness is also recorded. Shri Khan submits that as the applicant is Superior Officer. He was in a position to dominate the victim a subordinate officer in the Corporation. Perusal of the report show that the

allegation against the applicant of his misbehaviour are of the incident which took place on 24th of January, 2015 allegedly. The report is lodged after 4 days i.e. 28th January, 2015. Though, it is submitted in the report due to ill-health of the complainant-informant that there was delay in the report. It is stated that another employee in the Corporation was not keeping good health, as also the informant-complainant, she left Warora and after returning to Warora, the report is lodged. The documents placed on record show that on 1st of January, 2015 itself a notice was issued to the informant-complainant. Perusal of the notice shows that the Inspection Squad of the Corporation on carrying out the inspection of the bus plied on the route namely Warora-Kondhala found running empty and not a single passenger was found in the bus. Though it was the day of weekly market the bus was plying with no passenger in it. The notice then refers that it was not a solitary instance but the record of the whole month reflected the negligence in discharge of duty by the complainant-victim Smt. Malwankar. A reply was submitted by Smt. Malwankar and in the reply she alleged that the Depot Manager is causing physical and mental harassment to her. Further notice was issued to her for making unwarranted allegations against the superior officers. The applicant himself approached the police Station, Warora on 24.1.2015 itself. The applicant was apprehending some mischief and foul-play. It seems that the apprehension of the applicant resulted in reality facing a report lodged at the instance of Smt. Malwankar. The learned APP Shri Khan invited my attention to a statement recorded by the investigating Agency of another lady-employee of the Corporation. It was an attempt of learned APP to submit that the applicant found indulged in similar act against the other employees. Perusal of the statement of this employee reveals certain interesting facts. This employee alleges that the applicant was behaving

with her with ill-motive. She makes reference to certain incidents in the month of April, 2014. This statement also reveals that some official action was initiated against this employee also. This employee though refers to incident of month of April 2014. She is silent on the aspect whether she made any report to the Superior Officer of the Corporation of the mischief played by the applicant. Considering these aspects, the Investigating Agency has recorded statement of other employees also, who were discharging their duties at the relevant time and those employees state that the informant-complainant attended the office and made some inquiry and then left the office. It is not the case that the applicant having any criminal antecedent to discredit the applicant. The applicant is an employee of the State Transport Corporation occupying a managerial post. There cannot be an apprehension that the applicant could flee away or would cause any hindrance in the investigation. In my opinion, the learned counsel for the applicant has made out a case. The apprehension of the State can be taken care of by imposing conditions on the applicant.

The application is allowed. The interim order passed by this Court dated 9.2.2015 is confirmed, with a condition that the applicant shall attend Warora Police Station on every second and fourth Sunday from 9.00 am to 12.00 a.m. and The applicant shall maintain a diary of his attendance duly countersigned by the Investigating Officer/P.S.O.

JUDGE

Ambulkar