IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO. 1300 OF 2016

SHRI SURAJSING TRIMBAKSING GUSINGE
VERSUS
THE STATE OF MAHARASHTRA

Shri. Mukul S Kulkarni, Advocate, for applicant.

Shri. S.D. Kaldate, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 16th MARCH 2016

ORDER:

1) The learned counsel for the applicant, on instructions, makes statement that he wants to withdraw the proceeding. The application is disposed of as withdrawn.

2) Today this Court has perused the affidavit filed by the Investigating Officer Laxman Kendre working as Police Inspector, Police Station, Aundha Nagnath, District Hingoli. He has tried to contend that he made attempts to search the accused, who is Talathi and arrest him but he

could not succeed. A letter dated 7-3-2016 is shown to this Court to show that this investigating officer requested first time to the Collector Aurangabad to supply information with regard to the posting of the present applicant in this District.

3) This Court had refused to grant relief of anticipatory bail to the present applicant by order dated 8-1-2015. It appears that when this Court was not inclined to grant the relief, the application was withdrawn. Today it is the case of the investigating officer that he took charge of the present case on 25-11-2014. Thus, he was aware that the anticipatory bail was refused to the present applicant by this Court. His contention that he was not able to trace the accused is not at all acceptable. If this contention is accepted it will have to be presumed that he is not a competent police officer. If other inference is possible then it can be said that he is showing favours to the applicant. In view of these circumstances and the circumstance that today the application filed by the applicant came to be withdrawn this Court is giving direction to the concerned to make inquiry of the

investigating officer. This Court holds that copy of this order needs to be sent to the superior officer of the present investigating officer to see that inquiry is made about the conduct of the present investigating officer.

4) Registrar (Judaical) of this Court is to send a letter to the District Superintendent of Police, Hingoli to make inquiry against the Investigating Officer, Laxman Kendre as this Court holds that he is showing favours to the accused in such a serious case. Copy of affidavit filed today is to be collected by the District Superintendent of Police which is to be used in the inquiry.

Sd/-
(T.V. NALAWADE, J.)

rsl