

Criminal Application No. 2301 of 2016

.. Applicant.

.. Respondent.

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DATE : 16TH JUNE 2016

2. The applicant is seeking pre-arrest bail in connection with Crime No. I-27/2016, registered with

Police Station, Khultabad, District Aurangabad, for offences punishable under Sections 307, 324, 143, 144, 147, 148, 149, 504, 506, read with Section 34 of the Indian Penal Code.

3. The investigation in the matter is complete and the charge sheet is already filed on May 13, 2016.

4. The role attributed to the present applicant is, use of stick in the commission of crime along with other co-accused persons. There is no specific attribution to whom the present applicant had hit with the help of stick.

5. The Investigating Officer, pursuant to the order of this Court, is personally present in the Court and assisted the Court in the matter of coming to just decision in the present Application.

6. The learned Addl. Public Prosecutor, on instructions, submits that as the investigation in the matter is complete, custodial interrogation of the applicant is not necessary particularly looking to the age of the applicant.

7. Hence, the applicant deserves to be granted pre-arrest bail in connection with the crime in question.

8. Hence, the Application is allowed and the ad interim protection granted to the applicant vide order dated 22nd April 2016 is confirmed, subject to the condition that the applicant shall attend Police Station, Khultabad, on 20th and 21st June 2016, between 10.00 a.m. and 12.00 noon and thereafter as and when reasonably called by the Investigating Officer for the purpose of investigation. The applicant shall not try to contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in any manner whatsoever.

9. The Investigating Officer, who is present in the Court, has tendered an unconditional apology as he has failed to produce investigation papers. According to him, in view of communication gap between the learned Addl. Public Prosecutor and himself he has failed to understand connote of the earlier order. Therefore, papers of investigation could not be produced before the Court.

10. Looking to the number of years of service put into by the said Investigating Officer (P.S.I.), in my opinion, in view of his short practical experience in service, explanation tendered is accepted. His presence is discharged.

11. The Application stands disposed of accordingly.

(N.W. SAMBRE)
JUDGE

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