

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 2645 of 2016

District : Dhule

1. Dhiraj Rameshwar Pardeshi,
Age : 30 years,
Occupation : Business,
R/o. Chalisgaon Road,
Jalgaon,
Janta Bank Colony,
Plot No.31, Dhule,
Taluka & District : Dhule.

2. Karan Ravindra Pardeshi,
Age : 22 years,
Occupation : Business,
R/o. Bylane of Lane No.5 and
6, Dhule,
Taluka & District : Dhule.

.. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Azadnagar Police Station,
Dhule,
Taluka & District : Dhule.

.. Respondent.

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Mr. D.B. Thoke, Advocate, for the applicants.

*Mr. C.V. Dharurkar, Addl. Public Prosecutor, for
the respondent.*

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CORAM : N.W. SAMBRE, J.

DATE : 16TH JUNE 2016

ORAL ORDER :

Heard.

2. The applicants are seeking pre-arrest bail in connection with Crime No. 50/2016, registered at Azadnagar Police Station, District Dhule, for offences punishable under Sections 395, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act.

3. It is not dispute that at the behest of the brother of applicant no.1, Crime No. 51/2016 is already registered against the group of the complainant in Crime No. 50/2016.

4. Perused the contents of the FIR. It is claimed that certain amount was withdrawn from the house of the complainant. The narration in the FIR, in my opinion, depicts an improbable story.

5. In view of the counter FIR and differences between the parties, false implication of the applicants cannot be ruled out. Hence, the applicants deserve to be granted pre-arrest bail in connection with the crime in question.

6. Hence, the Application is allowed with the following directions :-

(a) In the event of arrest of the applicants, in connection with Crime No. 50/2016, registered at Azadnagar Police Station, District Dhule, for offences punishable under Sections 395, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act, they are directed to be released on bail, on their furnishing P.R. Bond in the sum of Rs. 15,000/- each, with one surety in the like amount by each of them.

(b) The applicants shall attend Azadnagar Police Station, District Dhule, on 25th and 26th 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.

(c) The applicants shall not try to contact any of the prosecution witnesses and they shall not try to tamper with the prosecution evidence in any manner whatsoever.

7. This Court disapproves the approach of the Investigating Officer in not complying the order dated May 10, 2016, wherein it was directed to produce the CCTV footage of Swash Hospital for the period from 30th April 2016 to 1st May 2016. It appears that the Investigating Officer is not aware about his duty under the Code of Criminal Procedure, 1973, and the order is not taken to its logical end.

The fact about inaction on the part of the Investigating Officer and the nature of investigation carried out by him is required to be supervised by his superior Officer.

8. In view of the above, it will be appropriate, in my opinion, to place copy of this order before the District Superintendent of Police, Dhule, and the investigation papers, so as to evaluate whether the investigation was carried out properly or not.

9. The Application stands disposed of accordingly.

(N.W. SAMBRE)
JUDGE

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