

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2735 OF 2016

Nagesh S/o Vitthalrao Gutte .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. B.A. Dhengle, Advocate for the applicant

Mr. S.J. Salgare, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 15/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in Crime no. 139 of 2016 registered at CIDCO Rural Police Station, Dist. Nanded for the offences punishable under section 370 of the Indian Penal Code and section 80 of the Juvenile Justice Act, 2000.

3. The prosecution story is that the Child Welfare Committee, Nanded inspected the Children

Care Home run and managed by the applicant on 20/4/2016 and has noticed that there were in all 11 children as against the 10 entries in the register and intentionally, the entry about one child was not made in the register.

4. While trying to make out a case for grant of pre-arrest bail, learned counsel for the applicant submits that the applicant is not concerned with the crime in question, as on the relevant date, he was not available in the Children Care Home and it is negligence of the staff, which has resulted into the registration of crime in question. He would then submit that the custodial interrogation of the applicant is not necessary and he be released on pre-arrest bail.

5. Learned A.P.P. Shri Salgare strongly opposed the application and would submit that the investigation carried out till date, depicts mismanagement of the children care home and ill-

intention of the applicant in the crime in question. He would invite my attention to the statement of the employees of the Children Care Home and according to him, same depicts prima facie involvement of the applicant in the crime. According to him, the custodial interrogation of the applicant is very much necessary as the female child of about 9-10 months was found in the children care home maintained by the applicant without any record and as such the ill-intention of the applicant to commit crime is apparent.

6. In my opinion, no case for grant of pre-arrest bail is made out, particularly the investigation carried till date depicts that there is prima facie involvement of the applicant in the commission of crime in question.

7. It is not that the Court is expressing any dis-pleasure about the investigation carried till date, still, looking to the seriousness of the

issue involved, in my opinion, it will be appropriate to direct the Superintendent of Police, Nanded, Rural to supervise the investigation. The entire investigation papers after investigation be placed before the Range Inspector General of Police, Nanded Region, Nanded, who shall forward appropriate report, if necessary, to the competent authority dealing with the authority of the present applicant to run and administer the Children Care Home.

8. With above observations, the Application stands dismissed.

9. Learned A.P.P. undertakes to communicate this order to the Range Inspector General of Police, Nanded Range, Nanded and the Superintendent of Police, Nanded.

[N.W. SAMBRE]
JUDGE

arp/-