

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

CRIMINAL APPLICATION (ABA) NO.112 OF 2016

(Anil s/o Shamsunder Agre ..vs.. The State of Maharashtra, through PSO, Kalmana, Nagpur)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 04-04-2016

Heard Shri S.P. Bhandarkar, Advocate for the applicant and Shri S.S. Doifode, Additional Public Prosecutor for the non-applicant/State.

2. The applicant apprehends arrest in crime registered against him for offences punishable under Sections 294, 504, 506, 186 of the Indian Penal Code and under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the non-applicant, the complainant (Officer working in Regional Transport Office) lodged the complaint that on 13-05-2015 at about 16-30 hours he intercepted two Trucks transporting sand illegally and reported the matter to the police station. According to the complainant, the applicant who was present when the vehicles were stopped, the applicant started hurling abuses by referring to the caste on the complainant and threatened the complainant of dire consequences.

The applicant, apprehending arrest, had filed Criminal Application (ABA) No.386/2015 before this Court seeking pre-arrest bail. This application was disposed by the order dated 07-12-2015 directing the applicant to appear before the High Rank Police Officer deputed in the case and to co-operate with the investigation. This Court recorded that if the officer comes to the conclusion after preliminary investigation that custody of the applicant is required, the applicant shall be given notice of one week before the applicant is arrested.

Accordingly, the preliminary investigation is undertaken and the Assistant Commissioner of Police has issued the notice dated 18-02-2016 calling upon the applicant to produce himself on 25-02-2016. After receiving this notice, the applicant has filed this application seeking pre-arrest bail. The applicant is protected by the interim order passed on 25-02-2016.

4. The non-applicant has pointed out that the accusations against the applicant are fortified by the statement of several witnesses.

5. Shri S.P. Bhandarkar, Advocate for the applicant has submitted that the applicant is prosecuting a public interest litigation against the complainant in which an open enquiry by the Income-Tax Department is directed

against the complainant.. It is stated that the charge of holding assets disproportionate to his own sources of income is made. It is submitted that an enquiry on the charges of corruption is also initiated against the complainant. The submission on behalf of the applicant is that the complainant has lodged false report out of vengeance.

The learned Advocate for the applicant has made an alternative submission that in case the prayer made in the present application is not being considered by this Court, then the interim protection granted to the applicant may be continued to enable the applicant to move appropriate application for regular bail. In support of the submission, the learned Advocate for the applicant has relied on the judgment given by the Hon'ble Supreme Court in the case of ***Sandeep Kumar Bafna vs. State of Maharashtra and another*** reported in (2014) 16 SCC 623.

6. Considering the nature of accusations and the facts on record, in my view, the following order would sub-serve the ends of justice :

- i) The interim protection granted to the applicant shall continue till 29-04-2016.

- ii) If the applicant applies for regular bail till 11-04-2016, the application shall be disposed by the learned Special Judge till 25-04.2016.
- iii) The application is disposed in the above terms.

JUDGE

pma