

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

Criminal Application [ABA] No.338 of 2016

(Rishikesh Narayan Shambharkar

vs.

State of Maharashtra, through P.S.O. Salekasa, District Gondia)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri R.M. Patwardhan, Advocate for the Applicant.
Shri C.A. Lokhande, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 5th OCTOBER, 2016.

Heard the learned Counsel for the applicant and
the learned A.P.P. for the State.

This application has been opposed by the learned
A.P.P. for the State contending that there has been no
unequivocal consent in the present case. He relies upon a
common decision rendered by the learned Single Judge of this
Court in Criminal Application Nos.218, 257 and 309 of 2015.
Prima facie, there can be no doubt about the meaning of
“unequivocal and voluntary agreement” assigned by the
learned Single Judge in the said decision. But, going beyond
that, I am of the view that the nature of the allegations made
against this applicant is such that his custodial interrogation
does not appear to be necessary and on this count, this
application, in my view, could be granted. Hence, the order.

The application is allowed and the interim
anticipatory bail granted to the applicant by this Court on 27th
May, 2016 is hereby confirmed on the same conditions.

The application is disposed of.

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 06/10/2016