

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

CRIMINAL APPLICATION [APL] NO.862/2015.

1.Pratik Shrikant Chimote and another.

-VERSUS-

1.State of Maharashtra and another.

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& V.M.DESHPANDE, JJ.**

DATE : JANUARY 27, 2016.

Heard Shri R.M. Daga, learned Counsel for the applicants, Shri V.P. Maldhure, learned A.P.P. for respondent no.1 and Shri R.R. Vyas, learned Counsel for respondent no.2, for some time.

2. Effort of Shri Daga, learned counsel for the applicants is to urge that the allegations in the complaint do not show any prima facie case against the applicant no.1 husband or his sister, applicant no.2, at Nagpur. In alternate he also attempts to demonstrate that in any case the allegations fall short so as to implicate applicant no.2 Sister.

3. Shri Maldhure, learned A.P.P. and Shri

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Vyas, learned Counsel for respondents are disputing this.

4. Both side wish to address the Court at length.

5. We find that the applicants are already on anticipatory bail and this Court has on 08.12.2015, already ordered that no coercive steps shall be taken against them. Fairly, learned A.P.P. and learned Counsel for respondent no.2 state that looking to the allegations made, custodial interrogation is not required.

6. In this situation, we find that interest of justice can be met with by granting exemption to applicant no.2-Sister from her personal appearance before the Court at Nagpur with which the charge sheet shall be presented, till application for discharge as presented on her behalf or by applicant no.1 Husband, and is decided. Till that time, the proceedings shall be prosecuted by the applicant no.1 husband and his counsel in accordance with law.

7. Learned A.P.P. points out that investigation is not complete. After investigation is complete, charge sheet shall be filed with previous

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intimation to the applicants. After that intimation, applicant nos.1 and 2 shall be free to move application seeking discharge, within a period of four weeks. Such application shall be looked into and decided by the concerned competent court within next eight weeks.

8. Till adjudication of such application, the complainant and the trial Court shall not insist upon personal presence of applicant no.2. With these directions and keeping all rival contentions on merits open, we dispose of the present Criminal Application. No costs.

JUDGE

JUDGE

Rgd.