

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3018 OF 2017

Akash s/o Annasaheb Hodade, Age ... **Applicant.**
21 years, Occ. Business, R/o.
Kautha Bopala, Tq. Ausa, Dist.
Latur.

V E R S U S

The State of Maharashtra ... **Respondent.**
Through Police Station
Shivajinagar, District Latur.

Mr. S. C. Deshmukh, learned Advocate for the Applicant.
Mr. A. S. Shinde, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 27th July, 2017

ORDER :

1. Heard Mr. Deshmukh, learned counsel appearing for the applicant and Mr. Shinde, learned APP appearing for the respondent/state.

2. Mr. Deshmukh points out the contents of the first information report and submits that, there is no role attributed to the present applicant nor his name is mentioned in the first information report. All allegations are against another accused Atul Suple. The allegations against unknown persons are that they caught hold the informant and other accused assaulted

on his neck, left hand by a sickle.

3. I have gone through the statements of three witnesses whose statements were recorded by the police. None of them stated that the present applicant assaulted the informant.

4. Mr. Deshmukh learned counsel further submits that, during the investigation accused Atul Suple was arrested and during his interrogation he has taken name of the present applicant. Therefore, there is reasonable apprehension in the mind of the applicant about his arrest.

5. Considering the nature of the allegations against the unknown person, I think, the custodial interrogation of the applicant is not necessary as there are no allegations that, either applicant or unknown person have assaulted the informant by means of any weapons.

6. In view of the accusation made against the present applicant, I am of the opinion that no custodial interrogation of the applicant is needed. Mr. Deshmukh learned counsel further submits that

after granting interim relief the present applicant had been to the police station for the purpose of investigation.

7. In view of the above, application is allowed. Interim relief granted by order of this Court dated 21.06.2017 is hereby made absolute.

8. Criminal application is disposed-of.

(K.L. WADANE, J.)

mkd/-