

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 978 OF 2016

Mr. Lavesh J. Talekar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.K. S.Patil for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 25th April, 2017

P.C.

1) By an order dated 30.6.2016 the applicant was granted interim relief. It is the prosecution case that Jyotiba Suresh Hodge when appeared in the Police Constable Recruitment Entrance Examination, was found taking photographs of the question papers on his mobile handset. The handset of Jyotiba was seized. During the course of investigation it was revealed that Jyotiba has received the answers on his "what'sapp" from the handset of accused No.1 Naresh Keshav Rewale. It is the prosecution case that the applicant was accompanying Naresh Rewale when Naresh sent answers to the accused No.1 Jyotiba.

By the said order dated 30.6.2016 this Court had directed the applicant to attend the Investigation Officer on various occasions and the record reveals that in turn he has attended the Investigation Officer. It is further revealed during the course of investigation that the

applicant is not instrumental in forwarding the answers to accused No.1 Jyotiba and it was accused No.2 Naresh who did it. As stated earlier the applicant accompanied, accused No.2 Naresh Rewale when he sent the alleged messages to accused No.1. In view thereof, it appears that the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

2) Hence, interim relief granted by an order dated 30.6.2016 is confirmed. However, the applicant is directed to attend the D.B.Marg Police Station, Mumbai as and when called for between 11.00 a.m. to 2.00p.m. and to join the process of investigation till the submission of the final report/charge sheet.

It is needless to mention that before calling the applicant in police station the Investigation Officer shall issue notice u/s.160 of the Cr.P.C. thereby stating the date and time.

3) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)