

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

CRIMINAL APPLICATION (ABA) NO.65 OF 2017
(Sidhant s/o Dhanraj Upare vs. State of Maharashtra)

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

Shri N. Chavan, Advocate for applicant.

Shri I.J. Damle, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 16, 2017

Shri Damle, learned Additional Public Prosecutor has placed on record additional affidavit in continuation to order dated 9/3/2017, on which day a statement was made by learned Counsel for applicant that in spite of interim protection granted to applicant by order dated 9/2/2017, he was arrested.

As per additional affidavit, in pursuance to the order passed by this Court when applicant attended Investigating Officer on 18/2/2017, applicant did not produce order of this Court granting interim protection to him and in that event, Investigating Officer having no knowledge of interim protection in favour of applicant, effected his arrest. However, immediately on applicant's producing a copy of order, he was released on his executing a P.R. bond in the sum of Rs.25,000/- with one surety as ordered by this Court.

The explanation put forth by learned Additional Public Prosecutor, is not disputed by learned Counsel for applicant.

Heard Shri Chavan, learned Counsel for applicant, and Shri Damle, learned Additional Public Prosecutor for respondent.

Admittedly, other co-accused persons are released on bail by learned trial Court and as per affidavit-in-reply, involvement of applicant is only by way of his helping said co-accused in unloading the contraband liquor from the vehicle.

Shri Chavan, learned Counsel for applicant, submits that investigation is almost complete.

The said fact is not disputed by Shri Damle, learned Additional Public Prosecutor for respondent.

Admittedly, applicant on being protected by this Court has complied with direction to attend Investigating Officer for a period of one week from 13/2/2017.

In that view of the matter, criminal application is allowed as per order below :

The order dated 9/2/2017 passed by this Court granting interim protection in favour of applicant is confirmed on the same terms and conditions with further direction to applicant to attend Investigating Officer, if called, till filing of charge-sheet.

JUDGE

khj