

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

CRIMINAL APPLICATION (ABA) NO.563 OF 2016
(Pooja w/o Dhnyaneshwar Madavi vs. The State of Maharashtra)
WITH CRIMINAL APPLICATION (ABA) NO.554 OF 2016
(Rambhau s/o Maroti Bhapanwar vs. The State of Maharashtra)
WITH CRIMINAL APPLICATION (ABA) NO.581 OF 2016
(Mahendra s/o Rajeshwar Bhadke vs. The 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 S.K. Bhandarkar, Advocate and Shri Agrawal,
Advocate for applicants.

Smt. K. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 13, 2017

Heard Shri Bhandarkar and Shri Agrawal,
learned Counsel for applicants and Smt. Deshpande,
learned Additional Public Prosecutor for respondent.

All these applications are considered
together and are decided by this common order as they
are arising out of Crime No.394/16 registered under
Sections 420 and 409 read with Section 34 of Indian
Penal Code.

All the applicants were initially granted
interim protection by orders dated 25/8/2016,
31/8/2016 and 2/9/2016 and while protecting as such,
were directed to attend Investigating Officer. It is noted
from order dated 24/10/2016 passed by this Court in
Criminal Application No.581/2016 that on instructions,
statement was made by learned Additional Public

Prosecutor that custodial interrogation of said applicant is not required. The additional affidavit-in-reply placed on record reveals that in pursuance of directions of this Court, applicants attended Investigating Officer. Applicants have also placed on record additional affidavit stating therein that applicants were called on four occasions for the purpose of interrogation and lastly on 11/9/2016.

Admittedly applicants had attended Investigating Officer and necessary documents being vouchers came to be recovered. Para 3 of the additional affidavit filed by the respondent in Criminal Application No.581/2016 clearly demonstrates as to under what circumstances statement came to be made that custodial interrogation of said applicant is no more required. Involvement of all the applicants in this crime is admittedly stated to be similar. In that view of the matter, interim protection granted to applicants is liable to be confirmed. Hence, following order :

Interim protection granted to applicants on 25/8/2016, 31/8/2016 and 2/9/2016 stands confirmed on the same terms and conditions with further direction to applicants to attend Investigating Officer as and when called till filing of the charge-sheet. Criminal Applications are accordingly allowed.

JUDGE