

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

CRIMINAL APPLICATION (ABA) NO.578/2017

Dadarao Shantaram Warke ..vs.. State of Maharashtra thr.PSO ACB, Akola,
Tq.Dist. Akola.

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

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for applicant.

Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 12, 2017

In view of the order passed by this Court on 29.08.2017, an affidavit is filed by PI Ishwar Chavan, Anti Corruption Bureau, Akola. Though, the presence of PI Chavan was not required by this Court, he is personally present before this Court.

This Court granted ad interim protection in favour of the applicant vide order dated 09.08.2017. By the said order, the pre-arrest bail was granted in favour of the applicant that in the event of his arrest in connection with Crime No.172/2017 registered with Police Station City Kotwali Akola for an offence punishable under Sections 7 and 15 of the Prevention of Corruption Act, 1988, the applicant be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount. The applicant

was further directed to join the investigation and extend full cooperation to the investigating officer by attending the police station on 12.08.2017, 16.08.2017, 18.08.2017 and 20.08.2017 between 3.00 to 5.00 p.m.

The matter was listed thereafter on 29.08.2017. The reply was placed on record by the State. In the reply, it was pointed out that the custodial presence of the applicant is necessary for the purpose of interrogation and for taking voice samples. On the said date, it was pointed out to this Court by the learned counsel for the applicant that as directed by this Court, the applicant has attended office of the Anti Corruption Bureau. Therefore, this Court found that further affidavit of the investigating officer is necessary.

Today, the affidavit is filed. In the affidavit in paragraph no.6, officer of the Anti Corruption Bureau has submitted that when at initial time, instructions were given that time inadvertently it remained to be pointed out to the learned A.P.P. who was incharge of the brief that voice samples were already taken. PI Chavan has tendered his apology.

The apology is accepted.

Statement is made by learned A.P.P., upon instructions from officer of Anti Corruption Bureau, Akola that custodial presence of applicant is not required since interrogation of the applicant is already completed.

In that view of matter coupled with the fact that entire interrogation of applicant is already over, the ad interim bail granted to the applicant on 09.08.2017 is confirmed.

The applicant shall not cause prejudice to the prosecution case.

The application stands disposed of accordingly.

JUDGE

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