

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

CRIMINAL APPLICATION (ABA) NO.579 OF 2017

Nanda w/o Rajesh Daga

..vs..

State of Maharashtra, through its PSO, Rajapeth PS, Taluka and District
Amravati

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

Court's or Judge's Order

.....
Shri Anil S. Mardikar, Senior Counsel with Ms. Akshaya Kshirsagar, Adv. for
the applicant.

Shri V.P. Gangane, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2017.

Heard learned senior counsel Shri Anil S.
Mardikar with Adv. Ms Akshaya Kshirsagar for the applicant
and learned Additional Public Prosecutor Shri V.P. Gangane for
the State.

This is an application for anticipatory bail.

With the assistance of learned senior counsel and
learned Additional Public Prosecutor, I have gone through the
first information report. There is a considerable delay in
lodging the first information report. Further, alleged act of
using abusive language in the name of caste is not made either
in the public view or within the public hearing.

In view of the law laid down by this Court in the

case of Mahesh Sakharam Patole ..vs.. State of Maharashtra, reported at (2010)II CCR 285 bar under Section 18 is not applicable.

Further, insofar as main offence is concerned, there are no offences whatsoever in nature against the present applicant who is a lady and mother of the principal accused.

Further, learned Additional Public Prosecutor fairly submits that in view of order passed by this Court on 10.8.2017, the applicant has attended the police station for further investigation as directed by this Court and has extended co-operation to the investigating officer. Therefore, custodial presence of the present applicant is not necessary.

Looking to the fact that abusive words were used within the four corners of the house of the present applicant and, as per the case of the prosecution, even custodial presence of the present applicant is not necessary, order passed by this Court on 10.8.2017 stands confirmed.

The criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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