

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

CRIMINAL APPLICATION (ABA) NO.591 OF 2017

Satish Janardhan Shriramajwar and anr

..vs..

The State of Mah., thr. PSO, PS Umarkhed, District Yavatmal

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

Court's or Judge's Order

Shri K.S. Narwade, Counsel for the applicants.

Shri I.J. Damle, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 4, 2017.

This Court on 16.8.2017 granted *ad interim* bail in the event of the arrest of the applicant with a direction that the applicant shall attend the police station and shall be with the investigating officer on 21.8.2017, 24.8.2017, 26.8.2017, and 29.8.2017 from 11:00 a.m. to 5:00 p.m.

According to learned counsel Shri K.S. Narwade for the applicant, the applicant has attended this police station and was with the investigating officer during this time.

This statement is not disputed by learned Additional Public Prosecutor Shri I.J. Damle for the State.

The State has filed the reply and custody is claimed by the investigating officer on the ground that the investigating officer wishes to obtain handwriting samples of

the present applicant.

This Court is at loss to understand when the applicant was with the investigating officer for good 4 days from 11:00 a.m. to 5:00 p.m., what prevented the investigating officer from obtaining samples of the handwriting of the applicant.

Thus, the reason put forth by the investigating officer is a *sham* reason just to obtain the custodial presence. Such a practice is deprecated by this Court when it was the duty of the investigating officer when the applicant was with him right from 11:00 a.m. to 5:00 p.m. for good 4 days that was good enough for the investigating officer to interrogate the present applicant and do the necessary and to take necessary steps for obtaining samples of the handwriting of the present applicant.

In that view of the matter, merely because the investigating officer is not conducting the investigation properly, that cannot be the reason to curtail a personal liberty of the applicant. Therefore, order passed by this Court on 16.8.2017 is made absolute.

With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-