

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

CRIMINAL APPLICATION (ABA) NO.658/2017

Roshanlal s/o Vasantrao Katre ..vs.. State of Maharashtra thr. PSO PS
Gangazari, Tq. Dist. Gondia.

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

Court's or Judge's orders.

Mr. A. K. Waghmare, Advocate for applicant.
Mr. V. Gangane, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2017.

This is an application for anticipatory bail.
Heard Mr. A. K. Waghmare, Advocate for applicant and
Mr. V. Gangane, A.P.P. for non applicant-State.

It is not in dispute that the present applicant who is Assistant Teacher is not either Member of the Managing Committee or the Member of the Mid Day Meal Committee. According to the prosecution, the work of taking stock of the Mid Day Meal was entrusted by the Head Master to the present applicant. However, the learned A.P.P. could not point out anything from the investigation papers that the said duty was entrusted to the present applicant.

Further, the applicant was directed by this Court on 14.07.2017 to attend the Police Station and join the investigation. According to the learned counsel for the applicant, the applicant has attended the Police Station on 17.09.2017 and was with the investigating officer from 11.00 a.m. to 6.00 p.m. It is the submission

of the learned counsel for the applicant that though the applicant has attended the Police Station and joined the investigation, even his statement is not recorded by the investigating officer. On the basis of the investigation papers, the learned A.P.P. also is required to admit this particular fact that though on 17.09.2017, the applicant was with the investigating officer from 11.00 a.m. to 6.00 p.m., his statement is not recorded. Further, the learned A.P.P. was unable to point out from the investigation papers, what investigation was conducted vis-a-vis the present applicant by the investigating officer. This particular aspect shows that the custodial presence of the applicant is not necessary. That leads me to pass the following order.

ORDER

- (i) Criminal Application No.658/2017 is allowed.
- (ii) Interim order dated 14.09.2017 passed by this Court is confirmed.

The application stands disposed of.

JUDGE