

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

CRIMINAL APPLICATION (ABA) NO. 856/2017

Subhash s/o Ashok Lambe..vs..State of Maharashtra thr. PSO P.S.Arni, Dist.Yavatmal

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

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicant.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 13, 2017

1. Heard Mr. Daga Advocate for applicant and Mr. Madiwale, A.P.P. for non applicant-State.

2. The applicant is before this Court since he is apprehending his arrest in connection with Crime No.674/2017, registered with Police Station, Arni, Dist. Yavatmal, for an offence punishable under Sections 420, and 409 of the Indian Penal Code.

3. According to the complaint, when the applicant was working on the post of Forest Guard at Belora Circle, Arni, he had unauthorizedly withdrawn Rs.1,75,000/- from the account of Antargaon Joint Forest Management committee through mobile banking system during the period from 26.07.2017 to 07.09.2017. With this allegation, the FIR was lodged. The applicant was suspended from service with effect from 09.10.2017 and presently he is under suspension. It is also not disputed that on 26.09.2017 itself the applicant has deposited

Rs.1,75,000/- in the bank account of the Antargaon Joint Forest Management Committee.

4. This Court had on 28.11.2017 granted ad interim bail in favour of the applicant and directed him to attend Police Station on 05.12.2017. Accordingly, the applicant has attended the Police Station. There is no dispute about his attendance. It is also the submission of the learned counsel for the applicant that on 12.12.2017, specimen of his handwriting and signature are also obtained by the investigating officer. The said statement is also not disputed by the learned A.P.P.

5. Mr. Madiwale, learend A.P.P. submits that custodial presence of the applicant is necessary for obtaining his mobile phone and charger.

6. In my view, there is no need of custodial presence of the applicant for that purpose. However, the applicant shall hand over his mobile phone and charger to the investigating officer on 19.12.2017 by attending Police Station on the said date.

In view of above, interim order dated 28.11.2017 passed by this Court stands confirmed.

The application is allowed and disposed of accordingly.

JUDGE