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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.1043 OF 2017**

Rajashri Pratap Shinde and others ..Appellants

Versus

The State of Maharashtra and another ..Respondents

Mr. A. U. Nikam i/by Mr. Aashish Satpute, Advocate for the Appellants.

Mrs. S. V. Sonawane, APP for Respondent – State.

Mr. Raviraj R. Paramane, Advocate for Respondent No.2.

**CORAM: B. R. GAVAI &  
SARANG V. KOTWAL, JJ.**

**DATE: 14<sup>th</sup> JUNE, 2018**

**P.C.:-**

1] This Court vide order dated 09/01/2018 has taken into consideration that, though incident had taken place in October, 2017, the FIR was lodged on 30/11/2017. The Court had therefore found that, there was delay of almost one month and 24 days in lodging the FIR. We had further noticed that with regard to the incident dated 6<sup>th</sup> October, 2017, the FIR was already lodged by Applicant No.1 against her brother who happens to be an employer of first informant in the

present case. We had therefore noticed that present FIR is an offshoot of dispute between Applicant No.1 and her brother.

2] Today, Mr. Paramane appears on behalf of first informant i.e. Respondent No.2. However, we noticed that while arguing the matter, he was instructed by a male person and not by a female. It is to be noted that Respondent No.2 is a female. To our specific query as to who is instructing him, he has stated that he has been instructed by Respondent No.2 and pointed out Respondent No.2 who was sitting in the second row. Again, on our specific query as to who is the person who is standing behind him, the learned Counsel, on instructions, admits that the person instructing him is Shri Nitin Patil, brother of Appellant No.1. We have therefore no hesitation to observe that present FIR has been filed by Respondent No.2, at the instance of her employee Shri Nitin Patil, brother of Appellant No.1.

3] In any case, we are informed that the charge-sheet is already filed against all the Appellants. In that view of the matter, we do not find that custody of the present Appellants would be necessary for the purpose of investigation. While granting interim protection, we had directed the Appellants to remain present before the Investigating Agency for the purpose of investigation. Now the investigation is complete and as such, we do not find that custody of the Appellants is required for the purpose of investigation

4] Appeal is therefore allowed in terms of the interim protection

granted on 19/01/2018. However, the condition which required the Appellants to attend Investigating Agency shall stand vacated inasmuch as charge-sheet is already filed.

**(SARANG V. KOTWAL, J.)**

**(B. R. GAVAI, J.)**