

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

CRIMINAL APPLICATION (ABA) NO. 124 OF 2018

(Rajendra @ Sinnu s/o Allayya Kolawar Vs. State of Maharashtra, Thr. P.S.O. P.S.
Mul (L.C.B), Chandrapur.)

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

Court's or Judge's orders.

Shri B.H. Tekam, Counsel for the applicant.
Shri S.D. Sirpurkar, APP for Respondent/State.

CORAM: S.B. Shukre, J.

DATE: 13-04-2018

Heard. Perused the reply of the prosecution and rejoinder of the applicant and additional reply filed by the prosecution.

First reply of the prosecution conveyed information that several crimes registered against the applicant, were pending trial. Applicant filed affidavit dated 26.3.2018 denying the allegation of prosecution that several crimes listed in the annexure to the reply were registered against this applicant. It has been stated in the affidavit that only one crime previously registered against the applicant viz. Crime No. 1086/2017 is pending against him. Respondent-State has filed additional reply stating that information given in the previous reply through incorrect, was submitted relying upon the input supplied by the Information Centre of the Department. The respondent has tendered apology for having supplied the incorrect

information and has assured that appropriate measures will be taken in that regard.

Fact remains that the investigating officer was negligent in this case while giving instructions to the learned Additional Public Prosecutor for the purpose of drafting reply. It is pertinent to note that Crime No. 1086/2017 which, according to the applicant is pending against him, is neither disclosed by the prosecution in its first reply nor in the additional reply.

To my mind, these facts show that while the applicant approached this Court with clean hands, the respondent did not, which must entitle the applicant to secure his release on bail. Apart from this, it is not disputed that all the contraband material has been seized from the applicant. Therefore, I am of the opinion that the application deserves to be allowed.

Application is allowed. Interim bail granted by this Court to the applicant vide order dated 1st March 2018 is hereby confirmed of the same terms and conditions as mentioned in the said order with clarification that the applicant shall now attend the police station everyday from 11.00 am to 05.00 pm for a period of one week. Disposed of.

JUDGE