

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

Criminal Application [ABA] No.190 of 2018

Dharma s/o Nimai Roy

vs.

State of Maharashtra, through P.S.O. Aheri, District Gadchiroli

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

Court's or Judge's Orders

Shri R.M. Daga, Advocate for the Applicant.

Shri S.D. Sirpurkar, Advocate for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 5th APRIL, 2018.

Heard.

Certified copy of Exh.54 in S.C.C. No.714/2017 pending before the Court of Judicial Magistrate First Class, Chamorshi, District Gadchiroli is taken on record. It has been filed by the learned Counsel for the applicant in reply to the charge made against this applicant by the prosecution that this applicant did not attend the police Station even once.

In this case, charge-sheet has already been filed. It is submitted by the learned Counsel for the applicant that in the charge-sheet, there is not a single statement admissible in law made against this applicant would show *prima facie* involvement of this applicant in the crime registered against him.

The learned A.P.P. for the State could not point out to me any material showing *prima facie* involvement of this applicant in the present crime. There may be criminal antecedents to this applicant. But, that is a criterion, which is required to be taken into consideration only after *prima facie* involvement of the accused is found. This is not the case here.

As seen from the certified copy placed on record, which is marked "X" for identification, the applicant *suo motu* appeared before the Court of J.M.F.C., Chamorshi, District Gadchiroli in S.C.C. No.714/2017 and on his *suo motu* appearance, he was taken into custody. The learned Counsel for the applicant submits that since then this applicant is in jail custody. This would explain the non-attendance of this applicant at the police station. In view of the above, I am inclined to grant this application.

The application is allowed and the interim bail granted to the applicant on 22/03/2018 is hereby confirmed on the same conditions with some modification and addition as under :

There is no need for the applicant to attend the police station as previously directed and that now he shall attend the police station, if required to do so by the Investigating Officer, after he is enlarged on bail in S.C.C. No.714/2017.

The applicant shall maintain peace and good behaviour and shall not indulge himself in any criminal activities, failing which, the bail so granted to the applicant shall liable to be cancelled at the instance of the prosecution.

The application is disposed of as such.

JUDGE

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