

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

CRIMINAL APPLICATION (APPP) NO.1368 OF 2018

IN

CRIMINAL APPLICATION (ABA) NO.486 OF 2018

(Rajkumar Hanumanprasad Saboo ..vs.. State of Maharashtra, through PSO, PS Lakadganj, Nagpur)

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

Court's or Judge's orders

Shri Sunil Manohar, Senior Counsel assisted by Shri D.V. Chauhan,
Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-08-2018

The learned Senior Counsel Shri Sunil Manohar is restricting the prayer to seek a clarification that the observations made by this Court while deciding Criminal Application (ABA) 486/2018, Criminal Application (ABA) 487/2018, Criminal Application (ABA) 488/2018 and Criminal Application (ABA) 489/2018 are *prima facie* observations and that the application seeking anticipatory bail moved by the applicant Virendra Ishwarprasad Khare be decided independently and *de hors* the said observations.

2. The observations made by this Court were not intended to be, even a *prima facie* observation muchless a finding, on the complicity of the applicant Virendra Ishwarprasad Khare in the crime. The observations made were only to highlight the dual standards adopted by the investigating agency in seeking custodial interrogation of

persons, who *prima facie* had no role to play and indeed one of whom had not even visited India since last ten years.

3. Needless to say, the application seeking anticipatory bail moved by applicant Virendra Ishwarprasad Khare shall be decided on its own merits, uninfluenced by any observation made by this Court while deciding the anticipatory bail applications of the co-accused.

4. Criminal Application (APPP) 1368/2018 is disposed of in the afore stated terms.

5. Steno copy of this order shall be furnished to the learned Counsel for the applicant as per rules.

JUDGE

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