

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

Criminal Application (ABA) No.381 of 2019
(Kishor Onkarsingh Rathod .vs. State of Maharashtra through PSO PS
Selu, Dist. Wardha.)

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

Mr. J.M. Gandhi, Advocate for Applicant
Mr. M.J. Khan, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 24, 2019.

On 19.06.2019, this Court could take note of the allegations against the applicant herein, as also the fact that his name does not feature in the FIR dated 26.02.2019 wherein offence under Section 420 read with 34 of the Indian Penal Code has been registered against accused persons. The relevant portion of the said order reads as follows:-

“5. It is the case of the applicant that his name is Kishor Rathod and that his name does not even figure in the FIR. But, it is further claimed that the Police has proceeded on the basis that the applicant also has an alias i.e. Sachin Rathod and the name of Sachin Rathod is indeed stated in the FIR. The learned counsel appearing for the applicant submits that he has nothing to do with the alleged offence. It is further pointed out that the nature of allegation in the present case is that the accused had allured innocent villagers into giving certain amounts to them to arrange for loans. It is pointed out that the total amount that is said to have exchanged hands is only Rs.48,000/-and

that therefore, the present application deserves to be allowed.

6. *In view of the above, a case for ad interim protection is made out by the applicant. Hence, in the event the applicant is arrested in Crime No. 98 of 2019, registered at Police Station Selu, District Wardha, he shall be released on furnishing PR bond of Rs.25,000/- and surety in the like amount. The applicant shall cooperate with the investigation and report to the Police Station Selu once a week i.e. Sunday between 10.00 am to 5.00 p.m. during the pendency of the present application. The applicant shall not tamper with the evidence and influence the witnesses."*

2. It would be evident from the above quoted portion of the order dated 19.06.2019 that the nature of the allegation in the present case is that the accused persons allured innocent villagers into parting with certain amount for arranging facility of loan for them. The total amount that exchanged hands in the present case is only Rs.48,000/-.

3. In the reply filed on behalf of the non-applicant/State, there does not appear to be any material to require the custodial interrogation of the applicant as long as he continues to cooperate with the investigation. There is no specific complaint that the applicant has not abided by the conditions imposed by this Court by order dated 19.06.2019 while granting ad-interim protection.

4. In view of the above, the present application

is allowed and the ad-interim protection granted to the applicant by order dated 19.06.2019 stands confirmed on the same conditions. The applicant is directed to continue to report to the Police Station as directed, till filing of the charge sheet.

JUDGE

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