

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

Criminal Application (ABA) No. 438 of 2019
Mahadeo Rakhonde Vs. State of Mah. Through ACB, Akola
With
Criminal Application (ABA) No. 433 of 2019
Arun S/o Namdeo Navghare Vs. State of Mah. Through ACB, Akola

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

Court's or Judge's orders

Mr. S.V.Sirpurkar, Advocate for applicant.
Mr. M.J. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 9, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 13/06/2019, whereby offences under Section 186 of the Indian Penal Code and Sections 7 and 7-A of the Prevention of Corruption Act, 1988, have been registered against the applicant and one other accused person.

2. While issuing notice and grant of ad-interim protection in Criminal Application (ABA) No. 438 of 2019 by order dated 08/07/2019, the following observations were made :

“2. The allegation against the applicant, who is working as Police Naik along with two other accused persons, who are also Police personnel is that they demanded illegal gratification from the complainant in connection with illegal mining and

transportation of sand. It is the case of the complainant that a trap was laid against the accused persons but the moment they came to know about the same one of the accused persons fired upon the trap team and on the basis of such an incident the aforesaid FIR has been registered.

3. It is pointed that this Court has already granted ad-interim protection to a co-accused (police constable) for the said incident and that the applicant is ready to co-operate with the investigation.

4. Considering the fact that the applicant is police personnel and there is very little chance of him fleeing away from the process of law, this Court is of the opinion that ad-interim protection can be granted to the applicant.

5. Hence, in the event, the applicant is arrested in Crime No. 107 of 2019 at Police Station Pinjar Dist. Akola, he shall be released on bail on furnishing PR bond of Rs.25,000/- and surety in the like amount. The applicant shall co-operate with the investigation and make himself available before the Investigating Officer as and when required.”

3. An ad-interim order dated 05.07.2019, similar in nature was passed in Criminal Application (ABA) No.433 of 2019.

4. In pursuance to the interim protection granted by this Court, the applicants have attended the police station and one of the applicants has already given his voice sample during the course of investigation.

5. Looking to the nature of the allegation made in the present case and the fact that the applicants are cooperating with the investigation, this Court is of the opinion that the present applications deserve to be granted.

6. Accordingly, the applications are allowed. Anticipatory bail is granted to the applicants in terms of ad-interim protection granted by orders dated 05/07/2019 and 08/07/2019 in Criminal Application (ABA) No.433 of 2019 and Criminal Application (ABA) No. 438 of 2019.

7. Needless to say, the applicants shall continue to cooperate with the investigation and the applicants shall not tamper with the evidence or influence the witnesses.

JUDGE

MP Deshpande