

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

CRIMINAL APPLICATION (ABA) NO.444/2019

Sau. Hemlatatai Deoraoji Tekade and anr. .vs. State of Maharashtra through
PSO P.S. Narkhed, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. U. P. Dable, Advocate for applicants.
A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 20, 2019

This is an application filed by a 69 years old lady and a 44 years old person, since they are apprehending their arrest in connection with Crime No.427/2019 registered with Police Station Narkhed, Tq. Narkhed, Dist. Nagpur, for an offence punishable under Sections 353, 332, 506, 186, 189, 143, 147, 149 of the Indian Penal Code and Section 135 of the Bombay Police Act.

The FIR is lodged by Chief Officer of Municipal Council, Narkhed, with Police Station, Narkhed on 28.06.2019. FIR was lodged against 15 persons, including applicant no.1, who is former President and applicant no.2, who is former Member of Municipal Council, Narkhed. According to FIR, when the work to demolish of a *Bandhara* was underway on 21.06.2019 at 06.00 O'clock, that time, the Chief Officer was obstructed. According to the allegations in the FIR, applicant no.1 gave a slap and also pulled her hair and at 09.30, the applicants and other accused persons gave slogans against the Chief Officer.

Though, the incident has occurred on 21.06.2019, the FIR was lodged only on 28.06.2019 and for that there is no explanation offered in the prosecution case.

Looking to nature of the accusations made against applicant, in my view, their application can be considered favourably.

This Court (Coram: Manish Pitale, J.) has already granted ad interim bail in favour of applicants on 08.07.2019, with a direction that applicants shall attend Police Station. Accordingly, they have scrupulously followed the said directions.

In view of the nature of accusations made in the FIR, in my view, the interim order passed by this Court needs to be confirmed.

Consequently, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Order dated 08.07.2019 is confirmed.
- (iii) The applicants are directed to attend Police Station as and when directed by the investigating officer till the filing of the charge-sheet. However, for that investigating officer is directed to give clear cut three days written communication to the applicants.

The application is disposed of.

JUDGE