

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

CRIMINAL APPLICATION [ABA] NO.670 OF 2019

[Omprakash @ Bacchu s/o Babarao Kadu .vs. State of Maharashtra, through Police Station Officer,
Gadge Nagar Police Station, Amravati]

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

Court's or Judge's orders

Shri A.C. Dharmadhikari, Advocate for Applicant,
Shri I.J. Damle, APP for respondent-State.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : NOVEMBER 20, 2019.

The applicant has filed this application under section 438 of the Code of Criminal Procedure for prearrest bail in concerned with the Crime No.16/2017 for the offences under section 3, 4 of the Public Property Damage Prohibition Act, 1984, under Sections 135, 136 of the Bombay Police Act, under Sections 143, 147, 148, 149, 353, 332, 333, 336, 188 and 307 of the Indian Penal Code registered at Gadge Nagar Police Station at Amravati.

Heard both the sides. Perused the application.

The applicant is a sitting MLA from the Achalpur constituency. Gadge Nagar Police Station at Amravati had registered an offence bearing Crime No.16/2017 under the above mentioned offences on 6.1.2017. The offence came to be registered against the applicant along with about 350 to 400 other persons. The names of the other persons are mentioned in the first information report, including the present applicant.

The learned advocate for the applicant contended that though the offence has been registered in the year 2017, till today no further investigation is conducted nor any charge-sheet

is filed against any of the accused. It is submitted that the applicant apprehend that he may be arrested at any moment.

The learned APP submitted that the investigation is still in progress, however, the custody of the applicant would be required for further investigation.

After hearing both the sides and on a perusal of the case papers, it is noticed that the offence is registered in the year 2017, however, till today the investigating agency did not make any effort to arrest the applicant, which *prima facie* indicates that the custodial interrogation of the applicant is not required so far. It is also noticed that till today no charge-sheet has been filed by the respondent.

Considering the nature of allegations and the facts and circumstances of the case, the following order is passed :

In the event of arrest of the applicant in connection with Crime No.16/2017 registered at Gadge Nagar Police Station, Amravati for the offences under section 3, 4 of the Public Property Damage Prohibition Act, 1984, under Sections 135, 136 of the Bombay Police Act, under Sections 143, 147, 148, 149, 353, 332, 333, 336, 188 and 307 of the Indian Penal Code, he shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

The applicant shall attend the Police Station as and when called by the Investigating agency. The Investigating Officer shall give 48 hours written notice to the applicant, if his attendance is required in the Police Station.

The applicant shall cooperate with the investigation.

With this order, Criminal Application stands disposed of.

Criminal Application (APPP) No.1631/2019

The learned advocate for the applicant seeks permission to withdraw this application. Permission granted. Criminal Application stands disposed of as withdrawn.

JUDGE

Gulande