

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

CRIMINAL APPLICATION (BA) NO. 1105 OF 2019

Vinod s/o Narayan Lothe .Vs. State of Maharashtra through PSO P.S. Patur,
Dist. Akola.

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

Court's or Judge's orders.

Mr. R.D. Hajare, Advocate for applicant.
Mr. P.S. Tembhare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 10, 2019

Heard Mr. R.D. Hajare, learned counsel for the applicant and Mr. P.S. Tembhare, learned Additional Public Prosecutor for the non-applicant-State. Also perused reply filed on behalf of the prosecution.

The applicant is arrested on 01.11.2019 in connection with Crime No.359/2019 registered with Police Station, Patur, Dist. Akola for an offence punishable under Sections 353, 332, 294, 506 and 323 of the Indian Penal Code.

The learned Additional Public Prosecutor on the instructions from the investigating officer has opposed the application mainly on the ground that the investigation is in progress and charge-sheet is not filed.

The complainant was Talathi for village Deulgaon Brahman which comes under Tahsil Patur,

District Akola. As per her report, on 01.11.2019, when she was discharging her official duty at village Deulgaon Brahman in respect of ascertaining damage/loss caused to the agriculturists due to excessive rains, the applicant obstructed her in discharging her duty and also threw papers and abused her.

The learned counsel for the applicant invited my attention to Annexure-D, which is dated 06.11.2019. It is a suspension order issued by the Sub-Divisional Officer, Balapur to Talathi who lodged the report. The suspension order reveals that the present applicant lodged a complaint with the superior officer of complainant Talathi that for performing official duty she demanded bribe and unless and until bribe amount is paid, she does not discharge her official duty.

Be that as it may, from the investigation papers it is clear that investigation is over and only act of filing of charge-sheet is remained to be done. In view of the aforesaid, in my view, the applicant who is not having criminal antecedent at his discredit, need not continue his jail presence. Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant- Vinod s/o Narayan Lothe be released on bail in connection with Crime No.359/2019 registered with Police Station, Patur,

Dist. Akola for an offence punishable under Sections 353, 332, 294, 506 and 323 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Patur, Dist. Akola as and when called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior communication to the applicant.

(iv) The application is allowed and disposed of.

JUDGE

srwagh