

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

CRIMINAL APPLICATION (ABA) NO. 248 OF 2020
(Ramesh s/o Govinda Shende, Bhandara Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri U.P. Dable, Advocate for the applicant.
Mrs. A.R. Kulkarni, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 21, 2020.

Heard the learned counsel for the parties through Video Conferencing and they agreed that the audio and visual quality is proper.

2. Apprehending arrest by the applicant, who is a suspended Police personnel, in Crime No. 795/2019 dated 14/12/2019 registered at Police Station, Bhandara for the offences punishable under Sections 353, 186 and 506 of the Indian Penal Code (In short "IPC"), present application has been filed.

3. The main allegation against the present applicant is that the applicant made a gesture with wide eyed and touched his mustache in a feverish manner in front of the panel members of the Maha Lok Adalat thereby interfered in their work.

4. It is further alleged that the aforesaid gesture was with intention to browbeat the panel members which included sitting Judicial Officer before whom the case of the applicant was pending.

5. Shri Dable, learned counsel for the applicant submitted that the alleged act does not amount to an offence punishable under Section 353 of the IPC.

6. As against this, Mrs. Kulkarni, learned A.P.P. submitted that the applicant has criminal antecedents with similar type of offences and he is a suspended Police personnel.

7. I have considered the submissions advanced across the bar.

8. At this stage, without going into the question as to whether Section 353 of the IPC is attracted or not against the applicant, in my view, custodial interrogation of the applicant is not required and he being a suspended Police personnel, there are least chances of his absconding and therefore, I am inclined to allow the application and hence, I pass the following order :-

ORDER

1. The Criminal Application is allowed.
2. In the event of arrest of the applicant in Crime No. 795/2019 dated 14/12/2019 registered at Police Station, Bhandara for the offences punishable under Sections 353, 186 and 506 of the IPC, he shall be released on anticipatory bail on furnishing PR bond of Rs.15,000/- (Rs. Fifteen thousand) and one or two surety bonds in the like amount.

3. The applicant shall co-operate during the investigation and make himself available as and when called by the Investigating Officer, pending trial.

4. The applicant shall not in any manner tamper with the evidences.

5. The Criminal Application is accordingly stands disposed of.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE