

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

CRIMINAL APPLICATION (ABA) NO.333 OF 2020

(Sheikh Quddus Sheikh Amir Qureshi and another Vs. State of Maharashtra thr. PSO
PS Washim, Tah. & Dist. Washim)

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

Court's or Judge's orders.

Shri Mir Nagman Ali, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 30th SEPTEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] The applicants are seeking pre-arrest protection in Crime 698/2020 registered with Police Station Washim for offence punishable under sections 143, 145, 147, 148, 149, 153, 188, 269, 270, 332, 336, 337, 353 and 506 of the Indian Penal Code and section 3 of Epidemic Diseases Act and section 51B of the Disaster Management Act.

3] Vide order dated 09.09.2020 this Court protected the applicants and imposed several conditions to safeguard the interest of the investigating agency. The conditions imposed are as under:

ii) The applicants shall attend the Washim Police

Station, every Thursday, Friday and Saturday from 11.00 a.m. to 1 p.m. and shall cooperate with the Investigating Officer.

iii) Period of interrogation shall be treated as deemed custody for the purpose of section 27 of the Evidence Act.

iv) The applicants shall cooperate with the Investigating Officer and make themselves available for the Test Identification Parade as and when required by the Investigating Officer and breach of this condition may ipso facto entail cancellation of bail.

v) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the investigation.

4] It is not in dispute that the applicants have attended the police station as directed. However, while the pre-arrest protection was opposed in the Sessions Court on the ground that the custody is required for test identification parade, till date the test identification parade is not done notwithstanding that the applicants have complied with the conditions.

5] Considering the nature of accusations, particularly that according to the informant API Ramakant Khandare a mob of 22 to 25 quarreled with the police and pelted stones and bricks, in my considered view, if the applicants are protected, the investigation shall not be hampered. The Investigation Officer is free to conduct the test identification parade as and when he deems fit. It is not

even the case of the prosecution that the custody of the applicant is necessary for any other purpose like recovery etc.

6] The interim order dated 09.09.2020 is made absolute. The conditions imposed shall continue to be in force till filing of the charge-sheet.

JUDGE

NSN