

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

CRIMINAL APPLICATION (ABA) 336 OF 2020

(Someshwar Maroti Pada..vs.. State, thr PSO, PS Gadchiroli, Dist. Gadchiroli)

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

Court's or Judge's orders.

Shri V.N. Morande, counsel for applicant.
Smt. S.S. Jachak, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:28.09.2020.

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

2. Heard.

3. The applicant is apprehending arrest in Crime 289/2020, registered with Police Station Gadchiroli, for offence punishable under section 379 of the Indian Penal Code.

4. The case of the prosecution is that on 2.7.2020 at 1.30 a.m., the applicant and two others from her village knocked the door. They entered her house and stole service wire bundle of Rs. 5,000/- and when she shouted, the bundle of wire was thrown on the road and the applicant and others ran away. The wire bundle allegedly stolen is in the custody of the Police Patil.

5. The learned counsel for the applicant Shri. V.N. Morande submits that the version of the complainant is inherently unbelievable. It is pointed out that the witnesses, who claim to have seen the miscreants running, have not named the applicant although the witnesses and the applicant are from the same village.

6. Considering that the applicant has no criminal antecedents, the fact that there is nothing to be recovered, the nature of the accusations and the material presently available, the interim order dated 18.9.2020 is made absolute.

7. The applicant shall attend Police Station Gadchiroli as and when required by the Investigating Officer.

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

9. The applicant shall not leave the country without the permission of the trial Court.

Judge