

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

LD-VC CRIMINAL APPLICATION (ABA) NO. 608 OF 2020

(Rajesh Dadarao Agushe and ano. vs. State of Maharashtra thr. P.S.O. Pusad Rural, District Yeotmal)

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

Court's or Judge's orders.

Shri S.M. Nafde, Advocate for the applicants.
Mrs. H.N. Prabhu, APP for the non-applicant / State.

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

Heard Shri Nafde, learned counsel for the applicant and Mrs. Prabhu, learned Additional Public Prosecutor for the State through Video Conferencing and they agreed that the audio and visual quality is proper.

Perused the affidavit-in-reply filed on behalf of the non-applicant / State.

The application is opposed mainly on the ground that the impugned tractor and trolley are yet to be seized from the applicants.

Learned Additional Public Prosecutor also submits that the applicants are not co-operating during the investigation.

The reply of the Prosecution does not show any criminal antecedent against the applicants.

The allegation is with regard to theft of sand worth Rs. 4000/- by way of illegal excavation.

Considering the nature of offence, in my opinion, custodial interrogation is not required. With regard to seizure of tractor and trolley, the Revenue authorities could have followed the appropriate procedure for that purpose. The arrest of the applicant could not be the ultimate solution always. Hence, the interim protection which was granted by this Court vide Order dated 07/07/2020 is hereby confirmed on the same conditions with additional conditions that the applicants shall attend the concerned police station once in a week i.e. on every Monday during the period between 11.00 a.m. and 2.00 p.m. till filing of chargesheet and also to make available themselves as and when required by the Investigating Officer.

The applicant shall not leave their local jurisdiction without prior permission to the concerned police station.

The criminal application is allowed and stands disposed of accordingly.

This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE