

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

CRIMINAL WRIT PETITION NO.686/2020

Vaishali Suresh Maske and others

..Vs..

The State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Abdul Subhan, Advocate for the petitioners.
Shri A.M. Deshpande, A.P.P for respondent Nos.1 to 3.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATED :- 21.12.2020.

1. Heard the learned counsel for the petitioners. It is the case of the petitioners that by visiting frequently the house of the petitioners, police are harassing the petitioners and, therefore, the petitioners have sought a declaration from this Court that respondent No.3 is engaged in the continuous act of violation of fundamental rights of the petitioners. The petitioners also seek a direction to respondent No.2 and others to take necessary action against respondent No.3 and warn them not to indulge in similar acts, what the petitioners call as "illegal activities" against the petitioners.

2. The petitioners have annexed to this petition a copy of the order dated 16.12.2020 passed by the learned Additional Sessions Judge, Nagpur whereby the

application filed by the petitioners under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail was rejected. This order throws much light upon the conduct of the petitioners. The conduct of the petitioners is sufficiently stated in the order dated 16.12.2020 and, therefore, we need not reiterate the same here. Suffice it to say it here that the petitioners are suspects in the incident of death of Suresh Vithoba Maske, the husband of petitioner No.1, in suspicious circumstances. The petitioners, as has been stated by police before the learned Additional Sessions Judge, Nagpur, are not giving their statements and are not cooperating with the police for conduct of appropriate enquiry into the unnatural death of Suresh. There is no reason for us to disbelieve the statement made by the Investigating Officer before the learned Additional Sessions Judge, Nagpur. The petitioners must cooperate with the police in whatever enquiry they are conducting and if the petitioners feel that they have no role to play in the unnatural death of Suresh, the petitioners need not entertain any fear from anybody. But, it appears that by filing this petition, the petitioners have further complicated the matter and it has resulted into deepening the suspicion hanging over them. Such a petition cannot be entertained. Petition stands **dismissed** with costs of Rs.500/- (₹ Five Hundred Only) to be deposited in the office of Government Pleader, High Court of Bombay, Nagpur Bench, Nagpur within a period of two weeks from the date of the order, failing which the same shall be recovered as revenue recoverable in a

criminal case in accordance with the provisions described
in the Code of Criminal Procedure.

JUDGE

JUDGE

Nilesh
Tambaskar

Digitally signed
by Nilesh
Tambaskar
Date: 2020.12.22
15:21:13 +0530

Tambaskar.