

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

CRIMINAL APPLICATION (ABA) NO. 897 OF 2019

Sagar s/o Raju Shirsat .Vs. State of Maharashtra, through PSO, PS, Dabki
Road, Akola, Dist. Akola.

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

Court's or Judge's orders.

Mr. P.S. Girdekar, Advocate for applicant.
Mr. S.M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : FEBRUARY 11, 2020.

Heard Mr. P.S. Girdekar, learned counsel for the applicant and Mr. S.M. Ghodeswar, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

The applicant is apprehending his arrest in connection with Crime No.346/2019 registered with Police Station, Dabki Road, Akola for an offence punishable under Sections 354, 452, 323 and 504 of the Indian Penal Code.

The offence is registered in view of oral report given by first informant herself. The incident in question has occurred on 12.12.2019 at about 10:00 a.m. As per case of the prosecution, when first informant had gone to the house her cousin in her fourwheeler car and when her husband was taking out some material, present applicant came in his car and

asked her to shut the car door resulting into verbal altercation in between them. It is the allegation in the report that at that time applicant touched the breast of the complainant and also assaulted the husband of the applicant by fist and kick blows.

Interim protection was granted by the learned Vacation Judge (Coram : Milind N. Jadhav, J.) on 27.12.2019, on a condition that the applicant shall attend Police Station, Dabki Road, Akola from 10:00 a.m. to 12:00 noon every day. Learned Additional Public Prosecutor did submit in the reply filed on behalf of the prosecuting agency that applicant had scrupulously followed the condition.

Looking to the nature of the accusation, in my view, the custodial interrogation of the applicant is not necessary. Of course during trial if the prosecution proves its case, the law will take its own course. In that view of the matter, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.346/2019 registered with Police Station, Dabki Road, Akola for an offence punishable under Sections 354, 452, 323 and 504 of the Indian Penal Code, applicant – Sagar s/o Raju Shirsat be released on bail on he executing P.R. bond in the sum of ₹10,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Dabki Road, Akola once in a week i.e. on every Sunday and shall be with the investigating officer from 03:00 p.m. to 05:00, till filing of the charge-sheet.

The application is disposed of.

JUDGE

srwagh