

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2381 OF 2019**

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|----|------------------------|---|------------|
| 1. | Atul Rajesh Dighe |] | |
| 2. | Vaibhav Rajesh Dighe |] | |
| 3. | Rajendra Tukaram Dighe |] | |
| 4. | Vimal Bharat Dighe |] | Applicants |

Vs.

The State of Maharashtra	]	Respondents
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Mr. Harshal Patil, for the Applicant.

Mr. H.J. Dedhia, A.P.P, for Respondent-State.

Mr. Subhash Munde, P.S.I, Ranjangao Police Station.

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CORAM: PRITHVIRAJ K. CHAVAN, J.

DATE: 20th NOVEMBER, 2021.

PC:

- On 18th September, 2021, Mr. Palkar, learned A.P.P, who was then present made a statement that since the Investigating Officer was not present, he was unaware as to whether charge-sheet was filed in this matter or otherwise. To enable the learned A.P.P to take instructions, the matter was then adjourned to 16th October, 2021. Interim protection was extended till the next date. There was no further progress.

2. Again, on 30th October, 2021, Investigating Officer was not present and, therefore, learned A.PP, namely Mr. Pethe made similar statement that he is not aware about the progress in the investigation. The learned A.PP was directed on 30th October, 2021 to seek appropriate instructions from the Investigating Officer on or before the next date and also ensure the presence of the Investigating Officer, failing which appropriate action would be initiated.

3. Today, Mr. Dedhia, learned A.PP is appearing in the matter. Investigating Officer, Mr. Subhash Munde, P.S.I is present. Mr. Dedhia, on instructions from the said Investigating Officer submits that he was on sick leave. On being asked, whether any certificate is produced in support of his contention, it is submitted that there is no such documentary evidence as on today. *Prima facie*, the statement appears to be incorrect.

4. Registry is directed to inform the Superintendent of Police, Pune (Rural) to inquire into the matter as to whether Investigating Officer, Mr. Subhash Munde was on sick leave on 18th September, 2021 and 30th October, 2021 when he was absent before this Court in Anticipatory Bail Application No.2381 of 2019 arising out of C.R. No.301 of 2019. Superintendent of Police, Pune (Rural) shall file a report within 15 days from today.

5. It is submitted that the applicants are co-operating with the Investigating Officer except one mobile handset which is to be

recovered from the accused upon which learned Counsel for the applicant, on instructions, submits that if there is any such handset, it would be tendered to the Investigating Officer. Statement so made is accepted. It is submitted that custodial interrogation of the applicants is no more required.

6. For the aforesaid reasons, interim relief granted earlier stands confirmed. Application stands disposed of.

7. It is made clear that till the charge-sheet is filed, the applicants shall co-operate with the Investigating Officer as and when summoned.

[PRITHVIRAJ K. CHAVAN, J.]