

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

CRIMINAL APPLICATION (ABA) NO. 75 OF 2021

(Nilesh Vitthal Wadaskar and another Vrs. State of Maharashtra, through Police Station Parseoni,
Nagpur)

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

Court's or Judge's orders

Shri R.H.Rawlani, Advocate for Applicants.
Shri N.R.Rode, APP for the Non-applicant.

CORAM : ROHIT B. DEO, J.

DATE : 01-03-2021

The applicants are apprehending arrest in Crime 25/2021 registered with Police Station Parseoni, Nagpur for offence punishable under Sections 379, 353, 504, 506 read with Section 34 of the Indian Penal Code.

2. I protected the applicants vide order dated 15th February, 2021 noting the submission that small quantity of sand is involved, which is seized, and that the applicants do not have adverse antecedents.

3. I have perused the case diary. The sand and the tractor involved are seized and to that extent custodial interrogation may not be necessary. The applicants have attended the Police Station as directed.

4. While, otherwise, there does appear to be a case for making interim protection absolute, this Court

cannot ignore that incorrect statement was made when the pre-arrest protection was granted. Applicant 2 was involved in similar offence albeit in the year 2015. Mr. Rawlani, learned counsel for the applicants states that suppression has occurred due to inadvertence and passage of time. Mr. Rawlani, learned counsel for the applicants would submit that the applicant 2 is ready to pay costs for the suppression.

5. Applicant 2 shall pay costs of Rs.1000/- to be deposited with the High Court Legal Aid Sub Committee, Nagpur. Interim protection granted vide order dated 15th February, 2021 is made absolute subject to the only modification that the applicants shall attend the concerned Police Station till the filing of the chargesheet as and when required.

6. The Criminal Application is disposed of.

JUDGE

sknair