

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

Criminal Application (ABA) No. 173 of 2021

(Ganesh S/o Mahadeo Dagade and ors. ..vs.. The State of Maharashtra through P.S.O., P.S., Ghatanji,
Tq. Ghatanji, Dist. Yavatmal)

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

Court's or Judge's orders

Mr. Anil S. Mardikar, Senior Advocate with Mr. Ved Deshpande, Advocate
for the applicants
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 31-03-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants are apprehending arrest in Crime 92/2021, registered with Police Station, Ghatanji, Tq. Ghatanji, District Yavatmal for offences punishable under Sections 395, 353, 143, 147, 149, 188, 269, 270 of the Indian Penal Code and Section 135 of the Maharashtra Police Act read with Section 7 of the Criminal Law Amendment Act, 1932.

3. Vide order dated 17-3-2021, this Court granted interim pre-arrest protection recording the statement of

the learned Senior Counsel Mr. Anil Mardikar, which statement is consistent with the averments in paragraph 7 of the application that the Gram Panchayat record and the mobile phone of the complainant which the applicants allegedly stole, were recovered/seized from the Gram Panchayat Office on the day next to the incident.

4. This Court observed thus :

“5. The learned senior counsel Mr. Anil Mardikar invites my attention to the averments in paragraph 7 which are to the effect that Gram Panchayat record (registers) and the mobile phone of the complainant – Government Servant which the applicants–accused allegedly stole, were recovered/seized from the Gram Panchayat Office vide separate panchanama. In response to Court query, the learned senior counsel Mr. Anil Mardikar states that the seizure of the record and the mobile phone was on the day next to the lodging of the report.

6. Mr. Anil Mardikar submits that the seizure rules out the involvement of the applicants in the offence punishable under Section 395 IPC which is the most serious of the allegation.”

5. I have perused the case diary. Learned Additional Public Prosecutor Mr. Mehroz Pathan fairly states that the Gram Panchayat record and the mobile phone were

indeed seized/recovered from the Gram Panchayat Office, as was submitted.

6. The applicants have attended the police station and it is not the case of the prosecution that they pose a flight risk. The pre-arrest protection granted vide order dated 17-3-2021 is made absolute subject to the only modification that till the filing of the charge-sheet, the applicants shall attend the concerned police station as and when required by the Investigating Officer.

7. The application is disposed of.

JUDGE

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