

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

CRIMINAL WRIT PETITION NO.402 OF 2021

1. Dalya @ Dinesh s/o Madhukar Meshram,
Age 43 years, Occupation: Labour,
R/o Ambedkar Ward, Tumsar,
Tahsil Tumsar, Dist. Bhandara.
2. Zabbu @ Shubham Devendra Katakwar,
Age 26 years, Occupation: Labour,
R/o Kumbhare Nagar, Tumsar,
Tahsil Tumsar, Dist. Bhandara.
3. Manoj s/o Devidas Kanekar,
Age 36 years, Occupation: Labour,
R/o Kumbhare Nagar, Tumsar,
Tahsil Tumsar, Dist. Bhandara. **PETITIONERS**

...V E R S U S...

1. State of Maharashtra through
Police Station Officer,
Police Station Tumsar, Dist. Bhandara.
2. Sub Divisional Police Officer,
Sakoli, Dist. Bhandara. **RESPONDENTS**

 Mr. R.R. Vyas, Advocate for Petitioners.
 Mrs. K.R. Deshpande, APP for Respondents/State.

CORAM: **ROHIT B. DEO, J.**
DATE: **14th JUNE, 2021.**

ORAL JUDGMENT:

Heard Mr. R.R. Vyas, the learned counsel for the

petitioners and Mrs. K.R. Deshpande, the learned Additional Public Prosecutor for the respondents/State.

2. This petition seeks a limited relief.

3. While granting compulsive bail, the learned Special Judge, vide paragraph 9 of the order dated 04.06.2021, was pleased to stay the order for 10 days. The petitioners – accused are aggrieved to that extent. The period of 10 days is over and to that extent there need not be an adjudication on the correctness or otherwise of the stay order.

4. The learned Special Judge was pleased to grant compulsive bail on the premise that the extension of period to complete the investigation was illegal. While the learned Special Judge may not be correct in ignoring and indeed virtually reviewing the earlier order dated 19.04.2021 vide which the period to complete the investigation was extended, this Court has quashed the said extension order on the premise that the request was not accompanied by the report of the learned Prosecutor and indeed the learned Prosecutor did not even sign the application or otherwise applied mind to the relevant considerations.

5. In this view of the matter, nothing survives for adjudication in Criminal Writ Petition 402/2021.

6. The order of compulsive bail dated 04.06.2021 is confirmed, albeit not for the reasons recorded by the learned Special Judge, but because this Court has quashed the order of extension of time to complete the investigation.

7. The petition is disposed of.

JUDGE