

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

CRIMINAL APPLICATION (APPA) 358 OF 2021 IN
CRIMINAL APPEAL NO. 247 OF 2021

Prabhakar Shriramji Pawar

...Versus...

State of Maharashtra through PSO, P.S. Daryapur, Tq. Daryapur,
Distt. Amravati and another

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

Court's or Judge's orders

Shri Anand Deshpande, Advocate for applicant/appellant
Ms Shamsi Haider, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 28/06/2021

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

2. For the reasons stated in the application, the application is allowed. The learned Advocate for the applicant/appellant to file certified copy of the order passed by the Sessions Court within a period of two weeks from today.

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1. Heard.

2. Issue notice to the respondents, returnable on 12/07/2021.

3. The learned Additional Public Prosecutor waives service for respondent No.1/State.

4. In addition to regular mode of service, private service is permitted to serve respondent No.2, as per the Rules.

5. The applicant apprehends his arrest in Crime No. 333/2021, registered with Daryapur Police Station, District Amravati for the offences punishable under Sections 376, 323, 504 and 506 of the Indian Penal Code and under Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. The applicant claims to be a retired teacher and claims that he attended the Police Station and his medical examination is done. The applicant further contends that the informant is in habit of lodging similar type of false complaints. One of such complaints is placed on record at page No.14 (Annexure - B). Till the perusal of investigation papers, the applicant deserves to be protected. Hence the following order.

(i) In the event of the arrest of the applicant in Crime No. 333/2021, registered with Daryapur

Police Station, District Amravati for the offences punishable under Sections 376, 323, 504 and 506 of the Indian Penal Code and under Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant be released on bail on his executing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.

(ii) The applicant shall attend the concerned Police Station thrice a week i.e. on 01/07/2021, 02/07/2021, 03/07/2021 and 05/07/2021, 06/07/2021, 07/07/2021 between 10.00 a.m. to 12.00 noon and shall cooperate in the investigation.

(iii) The applicant shall be deemed to be in the custody of the Investigating Officer for the purposes of Section 27 of the Indian Evidence Act.

(iv) The applicant shall not tamper with the prosecution evidence.

JUDGE