

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

CRIMINAL APPLICATION (ABA) NO. 602 OF 2020

(Mrs. Nila Hrushi Portet ..vs.. The State of Maharashtra, through PSO, Dechalipetha PS, Gadchiroli)

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

Court's or Judge's orders

Mr. N.B. Rathod, Counsel for the applicant,
Mr. S.S. Doifode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 18-02-2021

Heard.

2. The applicant is apprehending arrest in Crime 1/2020 registered with Dechalipetha Police Station, District Gadchiroli for offences punishable under Sections 409 and 420 read with Section 34 of the Indian Penal Code.

3. Vide order dated 15-12-2020 this Court granted interim pre-arrest protection subject to the condition that the applicant shall attend the concerned police station from 21st to 25th December, 2020 and shall cooperate with the Investigating Officer. It is not the case of the prosecution that the condition is not complied with.

4. Perusal of the material on record, *inter alia* the report of the enquiry, indicates that it is the Secretary of the Gram-Panchayat, Petha who is primarily held responsible for the alleged irregularities in purchase of

the 700 LED lights. It would not be necessary and indeed would be inappropriate, to consider the material on record minutely. In my considered view, the interim pre-arrest protection deserves to be made absolute for the following reasons.

(a) The submission of the learned Counsel for the applicant Mr. N.B. Rathod that the material on record primarily indicts, not the applicant, but the Secretary and other co-accused, cannot be brushed under the carpet. This of course is a *prima facie* observation made for the purpose of deciding the entitlement to pre-arrest protection.

(b) The applicant is a woman who has no criminal antecedents. She is not a flight risk and she has cooperated during the investigation.

(c) Custodial interrogation may not be necessary since whatever record forms the basis of the allegations, is not in the custody of the applicant.

(d) If the applicant is granted pre-arrest protection, the investigation is not likely to be adversely affected.

5. The interim protection granted vide order dated 15-12-2020 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station, as and when

required by the Investigating Officer.

JUDGE

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