

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 ANTICIPATORY BAIL APPLICATION NO.1000 OF 2022

EKNATH REKHU RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. M. S. Karad h/f Mr. Thombre
Abhijeet V.
APP for Respondent-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.
DATE : 30.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The interim protection was granted to the applicant by the order dated 28.07.2022 with a condition to attend the Police Station as and when called by the police.
3. On last date, learned counsel Mr. Thombre had medical emergency, hence the matter was adjourned. The learned APP made a concrete statement on the last date that the applicant was called by the police, but he did not appear, hence, he has breached the condition. Therefore, the present application be dismissed. Thereafter, the matter was listed today.

4. The learned APP would submit that after adjourning the matter, the applicant approached the Police Station with weapon. The Investigating Officer entertained him and recovered the weapon.

5. Though the Investigating Officer strongly opposed the application on the previous date on the ground that interim protection granted to the applicant is liable to be cancelled for non-compliance with the order of this Court. He entertained the applicant and recovered the weapons. Therefore, nothing is remained to be investigated from the applicant. It is an unfortunate that the police machinery is not serious about the role played by them in the investigation. At one hand, they strongly opposed the application for non-compliance of the order of this Court and at the same time they entertained the offenders. This goes to show that the police also indirectly supports the accused and does bare formality to oppose the applications. The Investigating Officer appears not serious to the investigation. They are playing both hot and cold.

6. In the above circumstances, the application deserves to be allowed. However, the copy of this order be sent to the

Commissioner of Police for action against the Investigating Officer. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant by the order dated 28.07.2022 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-