

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

CRIMINAL APPLICATION (ABA) NO.15 OF 2022

(ANURADHA SAITARAMJI DEWALE....VS.. STATE OF MAH. THR. PSO PS WARUD, DIST.
AMRAVATI.)

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

Court's or Judge's orders

Shri P.R.Agrawal, Advocate for Applicant.
Shri M.J.Khan, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 22, 2022.

1. Heard.

2. This Court, on 7th January 2022 granted ad-interim anticipatory bail in favour of the applicant by observing that when the three other accused persons were arrested immediately on the next date of filing of the First Information Report (FIR) their police custody was not sought. It is submitted that before the trial Court the custody of the applicant was sought only on the ground that police wanted to recover Rs.26,000/-. It is submitted that the said amount of Rs.26,000/- has already been deposited to show bonafides of the applicant. Thus, he submits that custody of the applicant is not required.

3. Shri Khan, learned A.P.P. strongly opposed the application and submits that identification parade is necessary in this matter.

4. I have perused the case diary and also contents of the FIR.

5. The applicant has attended the Police Station as directed by this Court while granting *ad-interim* pre-arrest bail vide order dated 7th January 2022. There is no complaint about misuse of liberty by the applicant. As far as custody of the applicant for identification parade is concerned that can be conducted during his deemed custody. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) The order passed by this Court on 7th January 2022 granting *ad-interim* anticipatory bail is hereby confirmed.
- iii) The applicant shall attend the concerned Police Station on 28, 29, 30 and 31st March 2022 between 09:00 and 03:00 p.m. daily, which should be treated as deemed custody for the purposes of conducting Test Identification Parade.

The Criminal Application stands **disposed of** accordingly.

JUDGE

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