

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1508 OF 2018

Ketan Madhukar Chikhale & Ors.] .. Appellants

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1509 of 2018

Sagar Balasaheb Navale & Anr.] .. Appellants

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1522 of 2018

Ashish Murlidhar Balsaraf & Anr.] .. Appellants

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1525 of 2018

Satish Waman Sherkar] .. Appellant

vs.

State of Maharashtra & Anr.] .. Respondents

Mr.Niranjan Mundargi i/b Vaibhav Gaikwad for the Appellants in Cri. Appeal Nos.1508/2018.

Mr.Vaibhav Gaikwad for the Appellant in Cr. Appeal No.1509/2018.

Mr.Raviraj Parmane for the Appellant in Cri.Appeal No.1522/2018.

Mr.Vaibhav Gaikwad i/b Uday B. Nighot for the Appellant in Cri. Appeal No.1525/2018.

Mr.S.R. Agarkar, APP for the State-Respondent No.1.

Mr.Sachin Thorat for Respondent No.2 in all Appeals.

DYSP Mandar Javle, Junnar Division, Pune Gramin present.

PSI Dilip Pawar, Junnar Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 23rd March, 2023.

P.C.

1] On 21.12.2018, the Appellants were admitted to ad-interim relief and protected from arrest, subject to stipulation that they shall mark their presence before the Investigating Officer, on every alternative day commencing from 23.12.2018.

While the order was being passed, the case projected by the Appellants was taken into consideration and the Court recorded submission of the Appellants that they had another audio clip which would indicate that the complainant had threatened that he would implicate the Appellants in the case under the Act of 1989.

The interim order continue to remain in operation from 21.12.2018 till date and it is informed that now the investigation is over and charge-sheet is filed against all the Appellants.

2] The learned APP categorically make a statement that custodial interrogation of the Appellants is not necessary on completion of investigation.

3] The learned counsel for the complainant would submit that there is material evidence in the charge-sheet which would indict the Appellants. He may be right in his submission, but taking note of the fact that the Appellants were not arrested for last 5 years and now when the Investigating Officer is specifically making statement that their

custodial interrogation is not necessary, the learned counsel is only reminded of the fact that all arguments can be put forth in form of appropriate evidence before the trial Court.

4] Despite the bar being imposed under Section 18 of the Act of 1989, provisions of law which emerges as on today is to the effect that the bar is not absolute one and it can be raised in appropriate cases where it is noted that prima-facie no case is made out.

I do not want to comment on merits of the matter, but since the learned APP submit that custodial interrogation is no more warranted on instructions of the Investigating Officer, as the charge-sheet is filed, interim order is made absolute.

All Appeals are disposed off, in abovesaid terms.

[BHARATI DANGRE, J]