

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

...
CRIMINAL APPLICATION (ABA) NO. 85/2023
with
APPP NO. 401/2023.

Purushottam s/o Mohanlal Tapdiya .. Applicant

versus

The State of Maharashtra

Th: Its PSO Khamgaon Dist. Buldana. .. Respondent

.....
Mr. Anil Mardikar, Senior Advocate a/by Mr N.R.Tekade, Advocate for
the applicant

Mr. V.A. Thakare, APP for Respondent
(Mr J.B.Gandhi, Adv. assist to prosecution)

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CORAM: ANIL L. PANSARE, J.

DATED : 2nd March, 2023.

PC:

APPP NO. 401/2023

The applicant is the informant and seeks permission to
assist the prosecution.

For the reasons set out in the Application, the Application is
allowed. The applicant-informant is permitted to assist the prosecution.

ABA 85/2023.

On 9th February, 2023 the following order was passed:

*“ Considering he nature of offence invoked in Crime No.
19/2023, in which the applicant is apprehending his arrest,
let the Investigating officer issue a notice to the applicant
under section 41A of the Criminal Procedure Code.*

*Pursuant to the notice, the applicant shall report to
the Police Station within a period of three days from its
receipt and render his cooperation to the Investigating officer.*

If the Investigating Officer arrive at a conclusion that the custodial interrogation of the applicant is necessary, he shall record his reasons in writing to that effect. Failure to report to the Investigating officer pursuant to the notice, the Investigating officer is at liberty to effect the arrest.

List the application after two weeks.”

Today, the Investigating officer is present. He states that custodial interrogation of applicant is not required. Even otherwise, perusal of case papers would indicate that the dispute is of civil nature and pertains to recovery of amount. Hence the following order :

In the event of arrest, the applicant/accused Purushottam Mohanlal Tapadiya, in Crime No.19/2023 registered with Khamgaon (city) Police Station, Dist. Buldana, for the offence punishable under sections 406 & 420 of the Indian Penal Code, be released on bail, on his furnishing PR bond of Rs. 25,000/- with one surety in the like amount.

The applicant shall attend the concerned Police Station on every Sunday between 3.00 and 500 p.m., till filing of the charge-sheet.

The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall to tamer with the evidence.

The Application is allowed in the above terms.

(ANIL L. PANSARE, J.)

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