

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

**CRIMINAL APPLICATION (ABA) NO.188 OF 2016**

(Vivek s/o Rajkishor Tiwari ..vs.. State of Maharashtra, through PSO, PS Wadgaon Road, District  
Yavatmal)

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

**CORAM : Z.A. HAQ, J.**  
**DATED : 06-05-2016**

Heard Shri M.P. Kariya, Advocate for the applicant and Shri S.S. Doifode, Additional Public Prosecutor for the non-applicant.

2. The applicant apprehends arrest in crime registered against him and co-accused for the offences punishable under Sections 302, 341, 323 and 504 read with Section 34 of the Indian Penal Code.

3. The learned Advocate for the applicant has submitted that the name of the applicant does not appear in the first information report. It is submitted that co-accused Rahul Trivedi is released on bail. It is argued that the applicant has not misused the liberty after interim protection is granted by this Court by the order dated 23-03-2016. The learned Advocate for the applicant has relied on the judgment given in the case of *Gauri Shankar Poddar vs. State of Haryana* reported in *2016 ALL MR (Cri.) 1792 (SC)* and has submitted

that the claim of the applicant for grant of pre-arrest bail is similar to the one considered in the above referred judgment. It is further submitted that the non-applicant has committed irregularity and illegality in conducting the test identification parade and therefore, the submission made on behalf of the non-applicant that the complainant has identified the applicant, is of no consequence.

4. Considering the nature of accusations against the applicant and the facts on record, I am not inclined to grant pre-arrest bail to the applicant. However, it is directed that the interim protection granted by this Court by the order dated 23-03-2016 shall continue for two weeks to enable the applicant to take appropriate steps in the matter.

The criminal application is disposed in the above terms.

**JUDGE**