

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

CRIMINAL APPLICATION (APPP) NO. 570 OF 2016

IN

CRIMINAL APPLICATION (ABA) NO.228 OF 2016

(Mr. Pankaj s/o Prabhakar Bukawan .vs.. State of Maharashtra, through PSO, PS Bhandara)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 26-04-2016

Heard Shri P.S. Chawhan, learned Advocate for the complainant, Shri S.W. Sambre, learned Advocate for the applicant and Shri N.B. Jawade, learned Additional Public Prosecutor for the non-applicant.

For the reasons stated in the application, the complainant is permitted to assist the prosecution.

The criminal application is allowed.

Criminal Application (ABA) No.228 of 2016.

1. Heard.
2. The applicant has filed an application under Section 438 of the Code of Criminal Procedure before the Sessions Court seeking pre-arrest bail. The Sessions Court did not grant interim protection to the applicant and therefore, the applicant has approached this Court. By the order dated 07-04-2016, the applicant is granted interim protection. The application filed by the applicant before the Sessions Court is not yet decided and is

pending for decision.

3. The non-applicant and the complainant has opposed the application, on various grounds, however, as the substantive application filed by the applicant is pending before the Sessions Court, in my view, it would not be appropriate to delve into the merits.

Considering the facts, the following order would sub-serve the ends of justice.

The applicant shall not be arrested in Crime No.73/2016 registered against him by the non-applicant, till the decision of the Misc. Criminal Application No.95/2016 filed by him before the Sessions Court, Bhandara.

The application is disposed in the above terms.

At this stage, the learned Additional Public Prosecutor has submitted that the applicant be directed to remain present before the Sessions Court at the time of hearing of the application.

The non-applicant is at liberty to make this request before the Sessions Court.

JUDGE